

(b) Determines whether the reported relationship or association is defined in §1900.152 of this subpart and would violate the provisions of §1900.151(a) of this subpart.

(c)–(f) [Reserved]

§ 1900.155 Designating the processing/servicing official.

(a) *Designating an official with equivalent authority.* The State Director (or Administrator, under §1900.253(e) of this subpart or this paragraph) designates a nonrelated or nonassociated FmHA or its successor agency under Public Law 103–354 official authorized to conduct the activity under program regulations, established delegation of authority and approval authority under subpart A of part 1901 of this chapter, and whose duty station is most convenient to the recipient and to the security property. A type and/or amount of assistance processed or serviced by a County Supervisor or at a County Office should be assigned only to another County Supervisor or County Office. A type and/or amount of assistance processed or serviced by a District Director or at a District Office should be assigned only to another District Director or District Office.

(b) *County Committee.* For processing or servicing decisions to be made by a County Committee, if the recipient is a member, a different County Committee is designated. If the recipient is related to or associated with the member, notwithstanding the provisions of §1900.151(a)(3) of this subpart, the State Director *may* permit the decision to be made by the local committee, if the related/associated member abstains.

(c) [Reserved]

§ 1900.156 Special handling—processing.

(a) [Reserved]

(b) *Eligibility determination.* The designated processing official reviews the application and develops additional data as necessary. Upon determination of whether the assistance will be provided, the designated processing official notifies the applicant of the decision in writing under program regulations, subpart A of part 1910 of this chapter, and subpart B of part 1900. If the determination is favorable, unless

otherwise designated, the complete application is returned to the original processing official for docket preparation. If the determination is unfavorable, the designated processing official as decisionmaker participates in the appeal process to its conclusion.

(c)–(e) [Reserved]

(f) *Closing agent.* Unless there is a clear or apparent conflict of interest, closing will be at a location and by a closing agent chosen by the recipient.

(g) *Supervised bank account.* Unless there is a clear or apparent conflict of interest, any supervised bank account (or construction account) is established at a financial institution chosen by the recipient under subpart A of part 1902 of this chapter. Countersignature authority is delegated only to a nonrelated or nonassociated FmHA or its successor agency under Public Law 103–354 official.

(h) *Construction inspection.* Construction inspections are delegated to a nonrelated or nonassociated employee authorized to conduct inspections, whose duty station is nearest the construction site. The designated processing/servicing official notifies the builder (or architect/engineer) in writing of how and from whom to request inspections.

§§ 1900.157–1900.200 [Reserved]

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Subparts A–D [Reserved]

Subpart E—Civil Rights Compliance Requirements

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- 1901.501 Purpose.
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- 1901.503 Definitions.
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- 1901.505 Certificates of beneficial ownership in FmHA or its successor agency under Public Law 103-354 loans.
- 1901.506 Book-entry procedure for FmHA or its successor agency under Public Law 103-354 securities—issuance and redemption of certificate by Reserve bank.
- 1901.507 Certificates of beneficial ownership issued by the FmHA or its successor agency under Public Law 103-354 Finance Office.
- 1901.508 Servicing of insured notes outstanding with investors.
- 1901.509 Loss, theft, destruction, mutilation, or defacement of insured notes, insurance contracts, and certificates of beneficial ownership.

Subparts L–N [Reserved]

AUTHORITY: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480.

Subparts A–D [Reserved]

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Subpart E—Civil Rights Compliance Requirements

AUTHORITY: 5 U.S.C. 301; 7 U.S.C. 1989; 40 U.S.C. 442; 42 U.S.C. 1480, 2942.

§ 1901.201 Purpose.

This subpart contains policies and procedures for implementing the regulations of the Department of Agriculture issued pursuant to Title VI of the Civil Rights Act of 1964, title VIII of the Civil Rights Act of 1968, Executive Order 11246 and the Equal Credit Opportunity Act of 1974, as they relate to the Farmers Home Administration (FmHA) or its successor agency under Public Law 103-354. Nothing herein shall be interpreted to prohibit preference to American Indians on Indian Reservations.

[41 FR 40112, Sept. 17, 1976]

§ 1901.202 Nondiscrimination in FmHA or its successor agency under Public Law 103-354 programs.

(a) *Nondiscrimination by recipients of FmHA or its successor agency under Public Law 103-354 assistance.* (1) No recipient of FmHA or its successor agency under Public Law 103-354 financial assistance will directly or through contractual or other arrangements subject any person or cause any person to be subjected to discrimination on the ground of race, color, or national origin, with respect to any program or facility. This prohibition applies but is not restricted to unequal treatment in priority, quality, quantity, methods, or charges for service, use, occupancy or benefit, participation in the service or benefit available, or in the use, occupancy or benefit of any structure, facility, or improvement provided with FmHA or its successor agency under Public Law 103-354 financial assistance.

(2) Specifically, and without limiting the general applicability of this subpart, such recipient will not on the grounds of race, color, or national origin:

(i) Deny any person the use, occupancy, or enjoyment of the whole or any part of real or personal property or service, financial aid, or other benefit under any program or facility.

(ii) Provide any person with any service, use, occupancy, or other benefit different from that provided others by the program or facility.

(iii) Subject any person to segregation or separate treatment in any matter related to his or her receipt of any service or other benefit.

(iv) Restrict in any way any person's enjoyment of any right, privilege, or advantage enjoyed by others through the facility or activity.

(v) Treat any person differently from others in determining whether he or she satisfies any requirements or conditions for any admission or membership in the recipient or in any other organization.

(vi) Deny any person an opportunity or restrict opportunity to participate in a program or facility by:

(A) Refusing or failing to provide notice or services provided others for the purpose of encouraging participation in the program or facility; or

(B) Providing any person with such notice or services different from the notice or services provided others.

(vii) Utilize criteria or methods of administration that have the effect of subjecting a person to discrimination with respect to any program or facility or defeating or substantially impairing the achievement of the objectives of a program or facility.

(viii) Select sites or locate facilities with the purpose or effect of:

(A) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any programs to which the regulations in this subpart apply; or

(B) Defeating or substantially impairing the achievement of the objectives of the regulations in this subpart.

(ix) Continue any previous or existing discriminatory practices, but will take affirmative action to overcome the effects of such discrimination.

(x) Deny any person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(b) *Nondiscrimination by FmHA or its successor agency under Public Law 103-354 employees.* (1) No. FmHA or its successor agency under Public Law 103-354 employee will exclude from participation in, or deny the benefits of, any

program or activity administered by FmHA or its successor agency under Public Law 103-354, or subject to discrimination any person in the United States on the ground of race, color, religion, sex, national origin, or marital status.

(2) No FmHA or its successor agency under Public Law 103-354 employee will:

(i) Be limited in the discharge of his or her responsibilities to working with applicants solely on the basis of race, color, religion, sex, national origin, or marital status.

(ii) Obstruct equal access to buildings, facilities, structures, or lands under the control of FmHA or its successor agency under Public Law 103-354.

(iii) Deny under any program or activity of FmHA or its successor agency under Public Law 103-354 equal opportunity for employment; for participation in meetings, demonstrations, training activities or programs; for receiving awards; for receipt of information disseminated by publication, news, radio, and other media; for obtaining contracts, grants, loans or other financial assistance, or for selection to assist in the administration of programs or activities of FmHA or its successor agency under Public Law 103-354.

(3) No FmHA or its successor agency under Public Law 103-354 employee will, while conducting official business, participate in or attend any segregated meetings or meetings held in a segregated facility from which persons are excluded because of race, color, religion, sex, national origin, or marital status.

(c) *Intimidating or retaliatory acts.* No recipient or other person will intimidate, threaten, coerce, or discriminate against any person for the purpose of interfering with any right or privilege under this subpart, or because a person has made a complaint or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to a complaint. The identity of complainants will be kept confidential except to the extent necessary to carry out the purposes of this subpart.

(d) *Nondiscrimination Agreement.* The County Supervisor will, at the time

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FmHA or its successor agency under Public Law 103-354 assistance is requested, give all applicants for loans and grants listed in § 1901.204(a) a copy of Form FmHA or its successor agency under Public Law 103-354 400-4, “Non-discrimination Agreement,” and inform the applicant that assistance will be conditioned upon executing this form and complying with the requirements of this subpart.

(e) *Covenants*. Each instrument of conveyance for loans subject to title VI of the Civil Rights Act of 1964, as outlined in § 1901.204, must contain the following covenant: “The property described herein was obtained or improved through Federal financial assistance. This property is subject to the provisions of title VI of the Civil Rights Act of 1964 and the regulations issued pursuant thereto for so long as the property continues to be used for the same or similar purpose for which financial assistance was extended or for so long as the purchaser owns it, whichever is longer.”

(f) *Posters*. The nondiscrimination poster, “And Justice For All,” will be displayed at the facilities and/or office of any borrower or grantee if the facilities have been financed by an FmHA or its successor agency under Public Law 103-354 loan or grant and are subject to title VI of the Civil Rights Act of 1964. This poster also will be displayed in all FmHA or its successor agency under Public Law 103-354 State and County Offices.

(g) *Racial and ethnic data*. Recipients should maintain, for review by FmHA or its successor agency under Public Law 103-354 and other appropriate agencies, racial and ethnic data showing the extent to which members of minority groups are beneficiaries of FmHA or its successor agency under Public Law 103-354-assisted programs. The data should identify recipients as White, Negro or Black, American Indian, Spanish Surname, Oriental and Other.

(h) *Discrimination complaints*. (1) Any person or any specific class of persons, if they believe they have been subject to discrimination prohibited by this subpart, may file a written complaint with any FmHA or its successor agency under Public Law 103-354 office, or, if

they prefer with the Secretary of Agriculture. Persons who complain of discrimination will be advised of their rights to file complaints. A complaint must be filed not later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary of Agriculture.

(2) A complaint filed with the County Supervisor or the State Director will be referred promptly to the Administrator, Attention: Equal Opportunity Officer. Attached to the complaint should be a statement by the County Supervisor or State Director identifying the recipient and type of assistance provided by FmHA or its successor agency under Public Law 103-354, indicating whether a non-discrimination agreement has been signed, and giving any other available pertinent information about the complaint.

[41 FR 40112, Sept. 17, 1976]

§ 1901.203 Title VIII of the Civil Rights Act of 1968.

FmHA or its successor agency under Public Law 103-354 employees, FmHA or its successor agency under Public Law 103-354 borrowers, contractors, packagers, and others who provide housing for sale or rent, are obligated under the provisions of title VIII of the Civil Rights Act of 1968 to provide fair housing to all persons regardless of race, color, religion, sex, or national origin.

(a) *Coverage*. The prohibitions against discrimination in the sale, rental, or financing of housing contained in title VIII apply to:

(1) All dwellings financed by loans made by the Federal Government and, therefore, to all RH borrowers.

(2) Any person in the business of selling or renting dwellings defined as:

(i) The owner of a dwelling intended for occupancy by five or more families.

(ii) Any person who has participated as principal in the sale or rental of three or more dwellings in the past year.

(iii) Any person who has served as sale or rental agent in two or more transactions in the past year.

(b) *Discrimination acts prohibited*. Title VIII prohibits FmHA or its successor

agency under Public Law 103-354 employees, multiple housing borrowers, and those with whom FmHA or its successor agency under Public Law 103-354 does business (contractors, realtors, packagers) from:

(1) Refusing to sell or rent a particular dwelling because of a person's race, color, religion, or national origin. The following actions constitute violations of this provision:

(i) Refusing to package an RH loan application.

(ii) Refusing or failing to show a particular dwelling or home in a particular subdivision.

(iii) Directing persons only to areas populated by those of similar race, color, religion, or national origin when housing is available in other areas.

(iv) Representing unsold dwellings or sites as sold to prospective buyers.

(2) Requiring applicants for services to meet different terms or conditions because of their race, color, religion, or national origin; for example, requiring larger rents or downpayments from minority applicants.

(3) Including in any advertising either directly or through visual representation a preference for applicants of a particular race or ethnic origin.

(i) Words indicative of the race or ethnic background of the dwelling or landlord such as "White private home," or "all Black subdivision," may not be used in advertising housing financed or to be financed by FmHA or its successor agency under Public Law 103-354.

(ii) Selection of advertising media and the areas to be covered by any advertising must be made to reach potential applicants of all races or ethnic origins.

(c) *FmHA or its successor agency under Public Law 103-354 affirmative action.* (1) It is the policy of the Farmers Home Administration or its successor agency under Public Law 103-354 to administer its housing program affirmatively so individuals of similar income levels in the housing market area have housing choices available to them regardless of their race, color, religion, sex, or national origin. Each participant in FmHA or its successor agency under Public Law 103-354 housing program shall pursue affirmative fair housing

marketing policies in soliciting buyers and tenants, in determining their eligibility and in concluding sales and rental transactions.

(2) Applicability. The affirmative fair housing marketing requirements shall apply as follows:

(i) Participants in FmHA or its successor agency under Public Law 103-354 housing programs who request approval for subdivision development involving five or more sites, multi-family projects with five or more units including self-help technical assistance grantees assisting five or more families or five or more conditional commitments for single family dwelling units during a 12-month period must submit an affirmative marketing plan.

(ii) An Affirmative Fair Housing Marketing Plan is required to be prepared and submitted to FmHA or its successor agency under Public Law 103-354 by the contractor when:

(A) A real estate broker is offering five or more single-family dwellings located in the same subdivision for sale under an exclusive listing contract with FmHA or its successor agency under Public Law 103-354.

(B) An auctioneer under contract with FmHA or its successor agency under Public Law 103-354 is offering five or more single-family dwellings located in the same subdivision for sale by public auction.

(C) A contractor under a contract with FmHA or its successor agency under Public Law 103-354 is managing a multiple-family housing project of five or more units or five or more single-family dwellings located in the same subdivision.

(3) Affirmative fair housing marketing plans will be submitted on form HUD 935.2(3-76) or the participant must be a signatory to a voluntary affirmative marketing agreement approved by the Department of Housing and Urban Development. The plan, if submitted on form HUD 935.2(3-76) shall describe an affirmative program which will meet the following requirements:

(i) Reaching those prospective buyers or tenants, regardless of sex, of majority and minority groups in the marketing area who traditionally would

not be expected to apply for such housing without special outreach efforts because of existing racial or socio-economic patterns.

(ii) Undertaking and/or maintaining a non-discriminatory hiring policy in recruiting from both majority and minority groups including both sexes, for staff engaged in the sale or rental of properties.

(iii) Training and instructing employees engaged in the sale or rental properties in the policy and application of nondiscrimination and fair housing.

(iv) Displaying in all sales and rental offices the “Fair Housing” poster.

(v) Posting in a conspicuous position on each property and FmHA or its successor agency under Public Law 103–354 construction site a sign displaying the equal opportunity logo or the following statement:

We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, or national origin.

(vi) Undertaking efforts to publicize the availability of housing opportunities to minority persons through the type of media customarily used by the applicant or participant, including minority publications and other minority outlets available in the housing market area. As part of these efforts all advertising must include either the equal housing opportunity logo or statement. When illustrations or persons are included they shall depict persons of both sexes and of majority and minority groups.

(4) The affirmative fair housing marketing plans or evidence that the participant is covered by an approved voluntary affirmative marketing agreement must be submitted as follows:

(i) For subdivisions with the preliminary submission of plans and specifications.

(ii) For multi-family projects, including rural rental housing, labor housing, cooperative housing, technical assistance grants and site development loans with SF 424.1, “Application for Federal Assistance (For Non-construction)”, or SF 424.2, “Application for Federal As-

sistance (For Construction)”, or with the letter of application. Subsequent loans or grants extended to the participant will necessitate a new or updated plan.

(iii) For conditional commitments for five or more individual dwelling units in a 12-month period with the application for the fifth conditional commitment.

(iv) For real estate brokers listing housing properties on an exclusive basis, at any time more than 5 properties are listed for sale by FmHA or its successor agency under Public Law 103–354 in the same subdivision.

(5) Affirmative fair housing marketing plans will cover the following time periods:

(i) For subdivision, from time of application until all lots are sold.

(ii) For multi-family projects from time of application until the loan is paid in full or for so long as the project is being used for the same or a similar purpose for which the funds were extended.

(iii) For conditional commitments involving individual dwelling units, one year or until all units built through conditional commitments issued within the one year period have been sold.

(iv) For real estate brokers who list acquired rural housing properties under an exclusive listing contract, one year or until all properties covered under the plan have been sold, whichever is later.

(6) Affirmative fair housing marketing plans will be reviewed and approved by the official authorized to approve the assistance requested. The County Supervisor will review and submit with comments to the official authorized to approve the assistance requested, those fair housing marketing plans where the assistance requested exceeds his approval authority. Any participant covered by this section must have an approved affirmative fair housing marketing plan for any assistance approved 90 or more days after the issuance of these regulations.

(7) Approved affirmative fair housing marketing plans will be made available by the participant for public inspection at the participant’s place of business

and at each sales or rental office. Participants who fulfill the requirements of this section by filing a Form HUD 9352(3-76) will maintain records to reflect their efforts in fulfilling the affirmative fair housing marketing plan. These records will be made available for review by FmHA or its successor agency under Public Law 103-354 personnel. Affirmative fair housing marketing plans will be reviewed by FmHA or its successor agency under Public Law 103-354 personnel in accordance with section 2006-M of this chapter.

(8) Applicants failing to comply with these requirements will be liable to sanctions authorized by regulations, rules or policies governing the program in which they are participating including but not limited to denial of further participation in FmHA or its successor agency under Public Law 103-354 programs and referral to the Department of Justice for suit by the United States for injunctive or other appropriate relief.

(d) *Discrimination complaints.* (1) Complaints against FmHA or its successor agency under Public Law 103-354 employees or borrowers under title VIII of the Civil Rights Act of 1968 received by the County Office will be sent to the State Director. The State Director will forward the complaints to the Administrator, Attention: Equal Opportunity Officer.

(2) Complaints of discrimination against packagers, contractors or others with whom FmHA or its successor agency under Public Law 103-354 deals should be filed with the Department of Housing and Urban Development. However, these complaints may be accepted by FmHA or its successor agency under Public Law 103-354 employees and routed through the State Director to the Administrator, Attention: Equal Opportunity Officer.

(e) *Relations to other regulations.* Nothing in this section in any way interferes with the administration of the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964 or the "Equal Opportunity in Housing Certification," signed by all packagers.

[41 FR 40112, Sept. 17, 1976, as amended at 42 FR 45894, Sept. 13, 1977; 42 FR 58737, Nov. 11, 1977; 50 FR 23903, June 7, 1985; 53 FR 27825, July 25, 1988; 55 FR 13503, Apr. 11, 1990]

§ 1901.204 Compliance reviews.

(a) *Recipients subject to reviews.* Recipients of the following kinds of loans and/or grants who received their loans or advances of funds on or after January 3, 1965, will be reviewed for compliance in accordance with Title VI of the Civil Rights Act of 1964. Guaranteed loans are not covered by Title VI and, therefore, are not subject to compliance reviews.

(1) Economic Opportunity loans to individuals for nonagricultural enterprises.

(2) Loans for Water and Waste Disposal facilities, including Resource Conservation and Development loans for this purpose.

(3) Community Facility loans.

(4) Watershed loans and advances.

(5) Recreation Association loans including those made from Resource Conservation and Development funds.

(6) Economic Opportunity loans to incorporated cooperative associations (Compliance reviews on unincorporated Economic Opportunity cooperatives subject to title VI will be conducted only as the need arises or as directed by either the State Director or the Administrator).

(7) Loans to Timber Development organizations.

(8) Rural Renewal loans and advances.

(9) Rural Rental Housing (formerly Senior Citizen rental) and Rural Cooperative Housing loans.

(10) Labor Housing loans and/or grants.

(11) Rural Housing Site loans.

(12) Business and Industrial Insured loans or grants.

(13) Technical Assistance grants.

(14) Development grants for water and waste disposal.

(15) Technical Assistance and Training grants in accordance with Title XIII of Pub. L. 99-198.

(16) Rural Business Enterprise grants and Television Demonstration grants.

(17) Section 601 Energy Impacted Area Development Assistance grants.

(18) Nonprofit National Corporations grants.

(19) System for Delivery of Certain Rural Development Programs Panel Grants.

(20) Emergency Community Water Assistance grants.

(21) Section 306C WWD loans and grants.

(22) Housing Application Packaging Grants.

(23) Rural and Cooperative Development Grants in subpart F of part 4284 of this title.

(24) Community Facilities Grants in part 3570, subpart B, of this title.

(b) *Duration of obligation for conducting reviews.* Compliance reviews will be conducted on recipients of loans and grants listed in paragraph (a) of this section:

(1) Until the loan is paid in full or otherwise satisfied; or sold through the sale of FmHA or its successor agency under Public Law 103–354’s assets; or

(2) Until the last advance of grant funds is made for the grants listed in paragraph (a) of this section.

(c) *Compliance reviews of loans and grants to individuals*—(1) *Compliance Review Officer.* The County Supervisor will conduct compliance reviews of loans made to individuals.

(2) *Type of review.* If the borrower is currently receiving loan supervision, the County Supervisor may complete the compliance review based on his knowledge of the borrower’s operations from other visits. Otherwise the County Supervisor must visit the borrower’s facilities. Before completing the compliance review, the County Supervisor should be aware of:

(i) The borrower’s operating regulations, for example, the grounds for eviction from a Rural Rental Housing Project.

(ii) The borrower’s method of advertising the facility to the public, if there is any advertising, including how well these methods reach the minority community.

(iii) Any records of request for use of the borrower’s facility.

(3) *Recording results of review.* The County Supervisor’s determination that the borrower is or is not in compliance with title VI, together with information such as that outlined in paragraph (b)(2) of this section, will be recorded in the running record. Review of individual Rural Rental Housing borrowers will be recorded on Form FmHA or its successor agency under

Public Law 103–354 400–8, “Compliance Review (Nondiscrimination by Recipients of Financial Assistance Through FmHA or its successor agency under Public Law 103–354.)”

(4) *Reporting results of review.* If the borrower is in compliance, the County Supervisor will report his findings to the State Director. Exhibit A is a sample report. In the case of Rural Rental Housing borrowers, a copy of Form FmHA or its successor agency under Public Law 103–354 400–8 will be filed in the borrower’s County Office loan docket, and the original will be sent to the State Director. If the borrower is not in compliance, the borrower’s name, location, type of loan involved, and the reasons for the finding of non-compliance will be sent to the State Director.

(5) *Forwarding report of noncompliance.* The State Director will see that all compliance review reports are complete. If the recipient was found in non-compliance, the State Director will immediately send a copy of the compliance review report to the Administrator, Attention: Equal Opportunity Officer, with recommended action to take to bring the recipient into compliance.

(d) *Review of loans or grants to organizations (any borrower or grantee other than an individual)*—(1) *Designation of compliance review officer.* The State Director, except for Technical Assistance and Training grants (Pub. L. 99–198) and Nonprofit National Corporations grants, will designate the Compliance Review Officer for recipient organization. County Supervisors may be designated only if they have received approved compliance review training. Otherwise, the Compliance Review Officer must be a member of the State staff. For Technical Assistance and Training grants and Nonprofit National Corporations grants, the Assistant Administrator for Community and Business Programs will designate the Compliance Review Officer for recipient organizations.

(2) *Type of review.* Compliance reviews may be completed in connection with regular supervision visits to organizations and must include an inspection of the FmHA or its successor

agency under Public Law 103-354-financed facility. Before determining that the recipient is or is not complying with the provisions in Form FmHA or its successor agency under Public Law 103-354 400-4, the Compliance Review Officer will:

(i) Observe the recipient's records, including records on the present membership by race, the handling of applications for use of the facility, the user rates and membership fees or dues, and the facility's operating regulations.

(ii) Determine if the recipient advertises for members or users. If so, observe the effectiveness of the recipient's methods of advertising the availability of the facility to the public, and especially the effectiveness of this advertising in reaching the minority community.

(iii) Interview organization officials, members, and employees. In reviews of recipients of Technical Assistance grants, members of the self-help housing groups should be interviewed to determine the way in which they were recruited.

(iv) Interview informed local community leaders, including minority leaders, if any to determine if the facility is operating without discrimination because of race, color, or national origin.

(3) *Recording results of reviews*—(i) *Association, Watershed, Resource Conservation and Development, and Rural Renewal loans involving recreation facilities.* Reviews will be recorded on Form FmHA or its successor agency under Public Law 103-354 400-7, "Compliance Reviews for Recreational Loans to Associations (FmHA or its successor agency under Public Law 103-354 Borrowers)." If the organization is found in compliance with title VI, the original of the form will be sent to the State Director, and a copy will be filed in the borrower's County Office loan docket. If the organization is found in noncompliance, any additional information which led to the finding will be sent with the form.

(ii) *Loans and/or grants for Water and Waste Disposal systems, incorporated Economic Opportunity cooperatives, Grazing associations, Rural Rental Housing, Labor Housing, and Rural Housing Sites.* Reviews will be completed on Form FmHA or its successor agency under

Public Law 103-354 400-8. The original of the form will be sent to the State Director and a copy filed in the borrower's County Office loan docket. If the organization is found in noncompliance, any additional information which led to the finding will be sent with the form.

(iii) *Timber Development organizations, Rural Cooperative Housing loans, and Technical Assistance grants.* The information obtained during the compliance review as well as the Compliance Review Officer's determination of the borrower's compliance or noncompliance will be recorded in the running record. If the organization is found in compliance, a report (see exhibit A) will be sent to the State Director. If the organization is not in compliance, the organization's name, location, type of loan received, and all information which led to the finding will be sent to the State Director.

(iv) *Technical Assistance and Training grants (Pub. L. 99-198) and Nonprofit National Corporations grants.* The Compliance Review Officer will record in the running record information obtained during the compliance review and the determination of recipient's compliance or noncompliance. A report will be prepared and sent to the Assistant Administrator, Community and Business Programs, for each recipient.

(4) *Mandatory hook-up ordinance.* Compliance reviews of public entity borrowers or grantees for water and waste disposal facilities who are operating under the provisions of a mandatory hook-up ordinance will consist of a certification by the borrower or grantee that the ordinance is still in effect and is being enforced.

(5) *Forwarding noncompliance report.* The State Director will see that the reports are complete. If the recipient was found in noncompliance, the State Director will immediately send a copy of the report to the Administrator, Attention: Equal Opportunity Officer, with action proposed to bring the recipient into compliance. For Technical Assistance and Training grants and Nonprofit National Corporations grants, the Assistant Administrator, Community and Business Programs, will send a copy of the report to the Equal Opportunity Officer.

(e) *Timing of reviews*—(1) *Reporting year.* The State Director will schedule Civil Rights compliance reviews from November 1 to October 31 of each year. For example, compliance reviews scheduled during 1976 should be conducted after November 1, 1975, but before October 31, 1976.

(2) *Initial reviews*—(i) *Water and Waste Disposal loan and/or grant.* The initial compliance review will be conducted before loan or grant closing or before the construction begins, whichever occurs first.

(ii) *Technical Assistance grants, Technical Assistance and Training grants (Pub. L. 99-198) and Nonprofit National Corporations grants.* The initial compliance review will be conducted before the grant is closed.

(iii) *Rural Housing Site loan.* The initial compliance review will be conducted at the beginning of the sale of the sites developed with the FmHA or its successor agency under Public Law 103-354 loan.

(iv) *Watershed loans for future water supply.* The initial compliance review will be made when usage of the stored water begins.

(v) *All other loans and/or grants.* The initial compliance review of loans and/or grants listed in paragraph (a) of this section will be conducted within the first reporting year after the loan or grant is closed or after Form FmHA or its successor agency under Public Law 103-354 400-4 is signed.

(3) *Subsequent reviews.* The State Director is responsible for requiring subsequent compliance reviews at intervals not less than 90 days, or more than 3 years, after the previous compliance review.

(i) For Water and Waste Disposal organizations with loans that have had at least two compliance reviews after loan closing covering a six-year period, and where no discriminatory practices are indicated, the frequency of subsequent reviews may be reduced to six years.

(ii) If Water and Waste Disposal organizations have merged to form a new organization, two reviews will be conducted at 3-year intervals after the merger and one every 6 years thereafter, provided no discriminatory practices are noted.

(f) *State Office summary reports.* The State Director will keep a list of all compliance reviews conducted during the reporting year so as to schedule each year's reviews. The State Director will submit a copy of this list to the Administrator, Attention: Equal Opportunity Office, no later than July 31 of each year. Recipients found in non-compliance will also be listed on the summary report. Exhibit B is a sample report. For Technical Assistance and Training grants and Nonprofit National Corporations grants, the Assistant Administrator, Community and Business Programs, will submit a summary report, using exhibit B of this subpart as a guide, to the Equal Opportunity Officer by July 31 of each year.

[41 FR 40112, Sept. 17, 1976, as amended at 52 FR 41949, Nov. 2, 1987; 53 FR 3860, Feb. 10, 1988; 55 FR 5962, Feb. 21, 1990; 57 FR 11559, Apr. 6, 1992; 58 FR 5565, Jan. 22, 1993; 58 FR 58643, Nov. 3, 1993; 59 FR 41389, Aug. 12, 1994; 61 FR 3781, Feb. 2, 1996; 62 FR 16468, Apr. 7, 1997; 62 FR 33510, June 19, 1997; 62 FR 42387, Aug. 7, 1997; 68 FR 69952, Dec. 16, 2003]

§ 1901.205 Nondiscrimination in construction financed with FmHA or its successor agency under Public Law 103-354 loan or grant.

Executive Order 11246 provides for equal employment opportunity without regard to race, color, religion, sex, or national origin and the elimination of all facilities segregated on the basis of race, color, religion, or national origin on construction work financed by FmHA or its successor agency under Public Law 103-354 involving a construction contract of more than \$10,000.

(a) *Compliance.* This section applies to Federal or federally assisted construction contracts or subcontracts in excess of \$10,000 for on-site construction. It also applies to invitations for bids published for such construction. If construction work of over \$10,000 is partially financed by another Federal Agency, the County Supervisor will try to reach an agreement as to which agency will administer the non-discrimination requirements. If unable to reach an agreement, the County Supervisor will refer the case to the State Director.

(b) *Requirements of applicants, contractors, or subcontractors and responsible*

FmHA or its successor agency under Public Law 103-354 officials—(1) *Applicant*. The applicant will be required to execute Form FmHA or its successor agency under Public Law 103-354 400-1, “Equal Opportunity Agreement,” at the time the loan is closed or before construction is started, whichever occurs first. If the applicant is an incorporated association, a resolution of the governing body will authorize execution of the form. Municipalities or other public bodies will have to incorporate references to this form in the loan resolution before it is adopted. If the applicant wants to publish for bids, the applicant must obtain Form FmHA or its successor agency under Public Law 103-354 1924-5, “Invitation for Bid (Construction Contract)” which is in compliance with Executive Order 11246, from the local FmHA or its successor agency under Public Law 103-354 County Supervisor.

(2) *Contractor or Subcontractor*. (i) The prospective contractor or subcontractor must submit Form FmHA or its successor agency under Public Law 103-354 400-6, “Compliance Statement,” to the County Supervisor before contract bid negotiations, and comply with the requirements of Executive Order 11246, which are included with Form FmHA or its successor agency under Public Law 103-354 1924-6, “Construction Contract,” during the performance of the contract. The contract will contain the required “Standard Federal Equal Employment Opportunity Construction Contract Specifications” goals and timetables as set forth in exhibit D.

(ii) The contractor or subcontractor will prepare and submit Form Contract Compliance (CC) 257, “Monthly Employment Utilization Report” to the appropriate regional office of the U.S. Department of Labor (USDL) (see exhibit E, “List of Regional Offices”) by the fifth of each month through completion of the contract.

(3) *The County Supervisor or the responsible FmHA or its successor agency under Public Law 103-354 official will*: (i) Deliver to the contractor the following forms, as appropriate:

(A) Form FmHA or its successor agency under Public Law 103-354 400-3, “Notice to Contractors and Appli-

cants,” with an attached Equal Employment Opportunity Poster. Posters in Spanish will be provided when appropriate,

(B) Form FmHA or its successor agency under Public Law 103-354 400-6, and

(C) Form CC 257.

(ii) Deliver to the applicant Form FmHA or its successor agency under Public Law 103-354 1924-5 when contractors are to be invited to submit bids, and Form FmHA or its successor agency under Public Law 103-354 1924-6 to contract for construction.

(iii) Explain to applicant and contractor the requirements of Executive Order 11246, when needed. However, inquiries concerning compliance must be addressed to the appropriate regional office of USDL (see exhibit E).

(iv) Submit a report similar in form and content to exhibit C (“FmHA or its successor agency under Public Law 103-354 Financed Contract”) of this Instruction to the appropriate regional office of USDL (Exhibit E) within 10 calendar days of the date a contract or subcontract in excess of \$10,000 is awarded.

(c) *Contractors with 100 or more employees and contract over \$10,000*. Contractors with 100 or more employees and contract over \$10,000, will file the following with the Joint Reporting Committee, 1800 G Street NW., Washington, DC 20006:

(1) SF-100 “Employer Information Report EEO-1,” within 30 days of contract award unless the report has been submitted within the past 12 months, and

(2) An annual report by March 31, so long as the contractor holds any FmHA or its successor agency under Public Law 103-354 financed contract in excess of \$10,000.

(d) *Contractor with at least 50 employees and contract of \$50,000 or more*. Each contractor or subcontractor with at least 50 employees and contract of \$50,000 or more, must develop a written affirmative action compliance program for each project. This must be on file in each contractor’s or subcontractor’s personnel file within 120 days after the beginning of the contract. Form AD-425 provides guidelines for developing compliance programs.

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(e) *Compliance during construction.* The County Supervisor will:

(1) Check to see that:

(i) Required posters are displayed.

(ii) There is no evidence of discrimination in employment.

(2) Record findings on Form FmHA or its successor agency under Public Law 103-354 1924-12, "Inspection Report."

(3) If there is any evidence of non-compliance, the County Supervisor will report all the facts to the appropriate office of USDL (see exhibit E).

(f) *Hometown Plans.* All construction contracts and subcontracts in excess of \$10,000, financed by FmHA or its successor agency under Public Law 103-354, in areas which have Hometown Plans regarding affirmative action and equal employment, are subject to the conditions set forth in the applicable plan. Each State Director should seek the advice of the OGC as to compliance with any such plans in the State Director's jurisdiction.

(g) *Discrimination complaints.* (1) Complaints alleging discriminatory acts may be filed directly with the appropriate regional office of USDL (see exhibit E) or with the County Supervisor or the State Director for subsequent forwarding to the above address, by any employee or applicant for employment with a contractor or subcontractor.

(2) Each complaint must be in writing and signed by the complainant (The FmHA or its successor agency under Public Law 103-354 official receiving the complaint will assist complainant when necessary). The complaint will include:

(i) Name, address, and telephone number of complainant.

(ii) Name and address of the person allegedly discriminating.

(iii) Date and place of the discrimination.

(iv) Description of the discrimination.

(v) Any other information that will assist in investigating and resolving the complaint.

(3) Complaints must be filed not later than 180 days after the alleged act unless the State Director extends the time, for good cause shown by the complainant.

[43 FR 58356, Dec. 14, 1978, as amended at 44 FR 24852, Apr. 27, 1979; 52 FR 8002, Mar. 13, 1987]

**EXHIBIT A TO SUBPART E OF PART 1901—
CIVIL RIGHTS COMPLIANCE REVIEWS**

To: State Director, FmHA or its successor agency under Public Law 103-354.

Civil Rights compliance reviews have been conducted, and each recipient listed below was found in compliance with title VI of the Civil Rights Act of 1964. Information which led to this finding and my determination that the recipient is in compliance are in the running record of the recipient's file.

Recipient	Case No.	Type of assistance ¹	Date of review
Sam H. Smith	99-05-7031 (rec.)	OL	Jan. 3, 1975.
John A. Jones ...	99-05-8764 ...	RL	Feb. 17, 1975.
Medina Housing Association.	99-05-9176 grant.	TA	Mar. 5, 1975.

¹ Indicate only the loans or grants received which are subject to compliance reviews.

County Supervisor

**EXHIBIT B TO SUBPART E OF PART 1901—SUMMARY REPORT OF CIVIL RIGHTS
COMPLIANCE REVIEWS**

To: Administrator, FmHA or its successor agency under Public Law 103-354.
Attention: Director, Equal Opportunity Staff.

I. Civil Rights Compliance Reviews have been conducted, and the following recipients were found in compliance with title VI of the Civil Rights Act of 1964.

Loan type	Loan number	Type of review
		Pre-award* post-award**

1.
2.
3.

*A pre-award review is a compliance review conducted prior to loan or grant approval.

**A post-award review is a compliance review conducted after loan closing.

II. The following recipients were found in non-compliance:

Name of borrower	Loan type	Loan number	Type of review	Date report of noncompliance sent to nat. ofc.
			Pre-award post-award	
1.				
2.				
3.				

State Director.

(7 U.S.C. 1989; 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70)

[47 FR 39127, Sept. 7, 1982]

**EXHIBIT C TO SUBPART E OF PART 1901—
FMHA OR ITS SUCCESSOR AGENCY
UNDER PUBLIC LAW 103-354 FI-
NANCED CONTRACT**

To: Area Director, Office of Federal Contract Compliance Program, U.S. Department of Labor (DOL) (Insert address for your DOL area, from exhibit E, FmHA or its successor agency under Public Law 103-354 Instruction 1901-E)

We submit the following information relative to a construction contract in excess of \$10,000:

1. Contractor's name: _____
Address: _____
Telephone Number: _____
Employer's Identification Number: _____
2. Contract for: _____ \$ _____
Starting Date: _____
Completion Date: _____
Contract Number: _____
City: _____
DOL Region: _____

[52 FR 8002, Mar. 13, 1987]

**EXHIBIT D TO SUBPART E OF PART 1901—
GOALS AND TIMETABLES FOR MINORI-
TIES AND WOMEN**

The preamble to regulations establishing a new part 60-4 to 41 CFR chapter 60 published at 43 FR 14888-14894, April 7, 1978, states that OFCCP contemplates proposing standards and goals for minorities within the very near future. Until that notice has been proposed and final action taken, construction contractors and subcontractors will continue to be subject to the goals and timetables for minority utilization on Federal and federally assisted construction existing now under Executive order 11246. Such goals are published in appendix B.

Now, therefore, based on the foregoing and 41 CFR part 60-4, each contracting agency, each applicant, and each contractor shall include the appropriate goal set forth in appendix A and appendix B in all invitations for bids or other solicitations for federally in-

volved construction contracts in excess of \$10,000. The goals in appendix A hereby are established on a nationwide basis as the standards for female utilization for all trades.

Appendix B established the goals for minority utilization which shall be applicable for the respective areas set forth in appendix B.

Appendix A and appendix B shall be effective with respect to transactions for which the invitations for bids or other solicitations or amendments thereto are sent, on or after May 8, 1978.

Weldon J. Rougeau,
Director, OFCCP.

March 28, 1978.

APPENDIX A

The following goals and timetables for female utilization shall be included in all Federal and federally assisted construction contracts and subcontracts in excess of \$10,000. The goals are applicable to the contractor's aggregate on-site construction workforce whether or not part of that workforce is performing work on a Federal or federally assisted construction contract or subcontract.

AREA COVERED

Goals for Women apply nationwide.

GOALS AND TIMETABLES

Timetable	Goals (percent)
From Apr. 1, 1978 until Mar. 31, 1979	3.1
From Apr. 1, 1979 until Mar. 31, 1980	5.1
From Apr. 1, 1980 until Mar. 31, 1981	6.9

APPENDIX B

Until further notice, the following goals and timetables for minority utilization shall be included in all Federal or federally assisted construction contracts and subcontracts in excess of \$10,000 to be performed in the respective covered areas. The goals are applicable to the contractor's aggregate on-site construction workforce whether or

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not part of that workforce is performing work on a Federal or federally assisted construction contract or subcontract.

REGION ¹

BOSTON, MASS. AREA

Area covered—Arlington, Boston, Belmont, Brookline, Burlington, Cambridge, Canton, Chelsea, Dedham, Everett, Malden, Medford, Wakefield, Westwood, Winthrop, Winchester, Woburn, and the Islands of Boston Harbor, Mass.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Asbestos workers	10.8–10.12
	Boilermakers	9.6–12.0
	Bricklayers	8.0–10.0
	Carpenters	11.6–14.5
	Cement masons	25.5–27.5
	Electricians	6.0–7.0
	Elevator constructors	9.5–11.4
	Glaziers	8.8–11.0
	Ironworkers	5.9–6.9
	Lathers	6.9–8.9
	Operating engineers	14.1–15.0
	Painters	9.1–11.1
	Pipefitters	11.0–12.1
	Plasterers	20.5–22.5
	Plumbers	9.8–11.8
	Roofers	8.4–10.5
	Sheetmetal workers	10.1–12.1
	Sprinkler fitters	12.3–15.6
	All other trades	10.3–12.3

STATE OF RHODE ISLAND AREA

Area covered—Statewide.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	5.0

REGION II

BUFFALO, NY AREA

Area covered—Erie County and Buffalo, NY.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	10.6–13.2

¹Region refers to the 10 regions in which the U.S. Department of Labor has offices. These Regions are headquartered in Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, and Seattle, which are numbered I through X respectively.

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CAMDEN, NJ AREA

Area covered—Camden, NJ, area of Camden, Salem, and Gloucester Counties.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Asbestos workers	11.6–14.5
	Boilermakers	10.8–13.5
	Bricklayers	17.8–20.0
	Carpenters	11.2–13.0
	Cement masons	12.0–15.0
	Electricians	14.9–17.8
	Elevator constructors	10.8–13.5
	Glaziers	16.0–20.0
	Lathers	10.8–13.5
	Operating engineers	10.0–12.5
	Painters/decorators/paper-hangers.	8.8–12.8
	Plasterers	17.0–19.0
	Plumbers/pipefitters/steam-fitters.	8.4–10.5
	Roofers	8.4–10.5
	Sheetmetal workers	11.2–14.0
	Sprinkler fitters	10.8–13.5
	Structural metal workers ..	12.9–15.3
	Wharf 7 dock builders	10.8–13.5

ELMIRA, NY AREA

Area covered—Chemung, Steuben, Schuyler, Tioga, and Yates Counties, NY.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	4.0–5.0

LONG ISLAND, NY AREA

Area covered—Nassau and Suffolk Counties, NY.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	6.0–8.0

WESTCHESTER, NY AREA

Area covered—Westchester County, NY.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	11–13

REGION III

STATE OF DELAWARE AREA

Area covered—State of Delaware.

RHS, RBS, RUS, FSA, USDA

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	11–13

PHILADELPHIA, PA, AREA

Area covered—Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, PA.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Ironworkers	22–26
	Plumbers and pipefitters ...	20–24
	Steamfitters	20–24
	Sheetmetal workers	19–23
	Electrical workers	19–23
	Elevator construction workers.	19–23

PITTSBURGH, PA, AREA

Area covered—Allegheny County, PA.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Asbestos workers	24.3–27.8
	Boilermakers	33.8–37.7
	Bricklayers	11.9–13.0
	Carpenters	11.8–12.9
	Cement masons	16.3–18.1
	Electricians	17.0–20.3
	Glaziers	26.9–30.4
	Ironworkers	25.5–29.9
	Lathers	12.7–13.8
	Operating engineers	44.2–48.3
	Painters	16.4–17.9
	Plasterers	34.3–38.0
	Plumbers	7.8–9.2
	Roofers	47.1–50.1
	Sheetmetal workers	26.0–26.9
	Steamfitters	10.1–12.9
	Tile setters	13.6–16.0
	All other	27.6–31.5

WASHINGTON, DC, AREA

Area covered—District of Columbia; the Virginia cities of Alexandria, Fairfax, and Falls Church; the Virginia counties of Arlington, Fairfax, Loudoun, and Prince William; and the Maryland counties of Montgomery and Prince Georges.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Electricians	28.0–34.0
	Painters and paperhangers	35.0–42.0
	Plumbers, pipefitters and steamfitters.	25.0–30.0
	Iron workers	35.0–43.0

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GOALS AND TIMETABLES—Continued
[In percent]

Timetable	Trade	Goal
	Sheetmetal workers	25.0–31.0
	Elevator constructors	34.0–40.0
	Asbestos workers	26.0–32.0
	Lathers	34.0–40.0
	Boilermakers	24.0–30.0
	Tile and terrazzo workers	28.0–34.0
	Glaziers	28.0–34.0

REGION IV

ATLANTA, GA, AREA

Area covered—Atlanta, GA, Standard Metropolitan Statistical Area which includes Fulton, DeKalb, Cobb, Clayton, and Gwinnett Counties.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Asbestos workers	8.6–10.3
	Bricklayers	16.3–18.2
	Carpenters	11.0–12.8
	Electricians	10.9–12.2
	Glaziers	10.2–12.2
	Ironworkers	14.0–16.0
	Metal lathers	10.0–12.0
	Painters	10.3–12.0
	Plumbers	9.4–10.9
	Pipefitters	9.4–10.9
	Plasterers	24.4–25.8
	Roofers	18.0–20.0
	Sheetmetal workers	9.5–11.3
	Sprinkler fitters	8.3–9.9
	Operating engineers	24.0–27.7
	Elevator installers	9.6–11.5

BIRMINGHAM, AL, AREA

Area covered—Jefferson, Shelby, and Walker Counties, AL.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	20–24

CHARLOTTE, NC, AREA

Area covered—Mecklenburg and Union Counties, NC.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	24–30

JACKSONVILLE, FL, AREA

Area covered—Drival County, FL.

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GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	20–23

LOUISVILLE, KY, AREA

Area covered—Adair, Barren, Bullitt, Carrol, Edmundson, Grayson, Green, Hardin, Hart, Henry, Jefferson, Larue, Meade, Nelson, Oldham, Shelby, Spencer, Taylor, Trimble, Warren, and Washington Counties, KY; and Clark, Floyd and Harrison Counties, IN.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	12.0–16.0

MIAMI, FL, AREA

Area covered—Dade County, FL.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	20.0–40.0

NASHVILLE, TN, AREA

Area covered—City of Nashville, TN.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	16.0–20.0

REGION V

AKRON, OH, AREA

Area covered—Summit, Portage, and Medina Counties, OH.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	10.0–12.5

CANTON, OH, AREA

Area covered—Carroll, Holmes, Stark, Tuscarawas, and Wayne Counties, OH.

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GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	7.0–8.4

CHICAGO, IL, AREA

Area covered—Cook, DuPage, Kane, Lake, McHenry, and Will Counties.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Asbestos workers	8.6–10.3
	Bricklayers	16.3–8.2
	Carpenters	11.0–12.8
	Electricians	10.9–12.2
	Elevator installers	9.6–11.5
	Glaziers	10.2–12.2
	Ironworkers	14.0–16.0
	Metal lathers	10.0–12.0
	Painters	10.3–12.1
	Plumbers	9.4–10.9
	Pipe fitters	9.4–10.9
	Plasterers	24.4–25.8
	Roofers	18.0–20.0
	Sheetmetal workers	9.5–11.3
	Sprinkler fitters	8.3–9.9
	Operating engineers	(¹)

¹ 15.7 and above.

CINCINNATI, OH, AREA

Area covered. Ohio counties of Clermont, Hamilton, and Warren and in the Kentucky counties of Boone, Campbell, and Kenton, and in the Indiana county of Dearborn.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Asbestos workers	9.3–12.2
	Boilermakers	8.0–8.4
	Carpenters	9.0–10.7
	Elevator constructors	10.2–12.7
	Engineers (stationary)	26.9–28.4
	Floor layers	9.0–10.5
	Glaziers	9.1–11.1
	Lathers	9.3–10.6
	Marble, tile and terrazzo workers and helpers.	8.3–9.9
	Millwrights	9.1–10.3
	Painters	11.0–13.5
	Pipefitters	10.0–12.0
	Plasterers	8.7 to 9.6
	Plumbers	10.0–12.7
	Sheetmetal workers	10.1–11.3
	All other	11.0–11.8

CLEVELAND, OH, AREA

Area covered—Ashland, Ashtabula, Crawford, Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, Sandusky, and Seneca Counties, OH.

RHS, RBS, RUS, FSA, USDA

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Art glass workers	25.4–28.6
	Asbestos workers	20.9–23.9
	Boilermakers	16.3–18.9
	Bricklayers	28.8–29.5
	Carpenters	8.0–8.6
	Cement masons	41.1–42.2
	Electricians	15.1–18.1
	Elevator constructors	28.9–32.5
	Glaziers	35.8–40.0
	Ironworkers	11.4–13.2
	Painters	17.7–18.4
	Pipefitters	15.7–17.9
	Plasterers	21.6–23.2
	Plumbers	20.8–23.4
	Roofers	28.9–31.8
	All other	17.0–18.8

DAYTON, OH, AREA

Area covered—Greene, Miami, Montgomery, and Preble Counties, OH.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	10.6–11.8

DETROIT, MI., AREA

Area covered—Wayne, Oakland, and Macomb Counties, MI.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Electricians	17.0–19.0
	Operating engineers	16.9–18.0
	Lathers	18.6–19.6
	Painters	15.0–17.7
	Riggers	16.8–17.7
	Roofers	15.3–16.6
	Tile, terrazzo marble workers	15.0–17.8
	Tile and marble helpers	16.0–18.5
	Terrazzo helpers	17.8–19.5
	All other	18.6–20.4

EVANSVILLE, IN, AREA

Area covered—Vanderburgh County, IN.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	6.3–7.6

FORT WAYNE, IN, AREA

Area covered—Adams, Allen, DeKalb, Huntington, LaGrange, Noble, Steuben, Wells, and Whitley Counties, IN.

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GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Plumbers	5.2–5.5
	Steamfitters	5.2–5.5
	Carpenters	5.7–5.2
	Bricklayers	9.3–10.4
	Electricians	5.2–5.9
	Sheetmetal workers	4.4–5.2
	Ironworkers	7.3–8.4
	Operating engineers	5.2–6.0
	Painters	11.0–12.0
	All other	7.1–8.0

INDIANAPOLIS, IN, AREA

Area covered—Marion County, IN.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Asbestos workers	32.2–37.7
	Bricklayers	17.4–19.5
	Electricians	6.6–7.8
	Elevator constructors	15.5–18.0
	Glaziers	25.2–28.6
	Ironworkers	11.6–14.0
	Lathers	21.1–22.0
	Operating engineers	7.7–8.8
	Painters	22.4–25.0
	Plasterers	27.5–30.4
	Plumbers	25.5–30.0
	Roofers	15.9–18.1
	Sheetmetal workers	9.3–10.9
	Steamfitters	14.9–17.1
	All other	14.1–16.2

PEORIA, IL, AREA

Area covered—Peoria, Fulton, Tazewell, Woodford, Knox, Stark, Marshall, Hancock, Mason, McLean, McDonough, Henderson, Warren, Livingston, Bureau, Henry, and Putnam Counties, IL.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	5.0–6.0

ROCKFORD, IL, AREA

Area covered—Boone, Winnebago, Stephenson, De Kalb, Ogle, Lee, and Jo Daviess Counties; Cherry Grove, Shannon, Rock Creek, Lima, Wysox, and Elkhorn Townships in Carroll County; Genesee, Jordan, Hopkins, Sterling, Hume, Montmorency, Tampico, and Hahnman Townships in Whiteside County, IL.

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GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	10.0–12.0

SOUTH BEND, IN, AREA

Area covered—St. Joseph, County, IN.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	8.0–10.0

TOLEDO, OH, AREA

Area covered—Defiance, Fulton, Hancock, Henry, Lusas, Ottawa, Williams, and Wood Counties, OH.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	10.7–12.3

YOUNGSTOWN, OH AREA

Area covered—Columbiana, Mahoning, and Trumbull Counties, OH; and Lawrence and Mercer Counties, PA.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	6.0–7.1

REGION VI

EL PASO, TX, AREA

Area covered—El Paso County, TX.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	55.1–66.2

LAWTON, OK, AREA

Area covered—Commanche County, OK.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	15.8–16.8

LITTLE ROCK, AR, AREA

Area covered—Pulaski County, AR.

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GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	25.6–30.6

NEW ORLEANS, LA.

Area covered—Parishes of Orleans, Jefferson, St. Bernard, St. Tammany, St. Charles, St. John, Lafourche, Plaquemines, Washington, Terrebonne, Tangipahoa,¹ Livingston,² and St. James.³

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	20–23

TULSA, OK

Area covered—Tulsa, Creek, Mayes, Rogers, Okfuskee, Washington, Nowata, Craig, Ottawa, Delaware, Okmulgee (northern half), dividing line Highway 16; Osage (eastern half), dividing line Highway 18; Pawnee (eastern half), and Payne (eastern half) Counties, OK.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Bricklayers	24.0–25.0
	Carpenters	17.0–18.0
	Cement masons	21.5–22.5
	Floor covers	12.0–14.0
	Glaziers, glass workers	14.7–17.3
	Operating engineers	22.0–24.0
	Painters	18.0–20.0
	Pipefitters	10.0–12.0
	Plumbers	11.6–13.2
	Roofers	12.0–14.0
	Sheetmetal workers	8.0–10.0
	All other trades	12.0–14.4

REGION VII

KANSAS CITY (KS) AND (MO)

Area covered—Clay, Platte, Jackson, Bates, Carroll, Lafayette, Ray, Johnson, Henry, and Cass Counties, Mo., and Wyandotte, Johnson, and Miami Counties, KS.

¹ Area covered is east of the Illinois Central RR.

² Area covered is southeast of the line from a point off the Livingston and Tangipahoa Parish line adjacent from New Orleans and Baton Rouge.

³ Area covered is southeast of a line drawn from the town of Gramercy to the point of intersection of St. James, Lafourche, and Assumption Parishes.

RHS, RBS, RUS, FSA, USDA

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Asbestos workers	10.3–11.7
	Boilermakers	5.9–6.4
	Bricklayers	19.4–20.7
	Carpenters	5.9–6.9
	Carpet, linoleum and resilient floor decorators.	5.5–6.4
	Cement masons	25.5–26.5
	Elevator constructors	9.2–10.7
	Electricians	8.0–9.4
	Glaziers	9.8 to 10.5
	Lathers	14.5–15.6
	Marble masons, tile layers and terrazzo workers.	7.5–9.0
	Marble and tile helpers	4.8–5.6
	Operating engineers	9.0–10.9
	Painters	14.3–15.0
	Pipefitters	6.9–7.7
	Plasterers	19.0–20.4
	Plumbers	8.3–9.3
	Roofers	14.0–15.0
	Sheetmetal workers	7.0–8.0
	Teamsters	25.0–26.0
	All other trades	11.4–12.5

OMAHA, NE

Area covered—Sharpy and Douglas Counties, NE, Council Bluffs, IA (city limits only).

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	9.0–10.0

ST. LOUIS, MO

Area covered—City of St. Louis, Mo., and St. Louis, MO.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Asbestos workers	5.2–5.7
	Boilermakers	34.0–37.7
	Bricklayers	12.6–14.2
	Carpenters	8.2–8.9
	Cement and concrete finishers.	13.3–16.6
	Electricians	13.6–16.1
	Elevator constructors	8.7–9.3
	Glaziers	28.7–34.5
	Ironworkers	9.0–10.4
	Lathers and plasterers	24.2–29.7
	Operating engineers	13.2–15.7
	Painters and paperhangers	25.1–29.3
	Plumbers and pipefitters	13.2–15.4
	Roofers and slaters	17.1–19.6
	Sheetmetal workers	22.5–27.0
	Tilesetters and terrazzo workers.	8.8–10.4

TOPEKA, KS

Area covered—Shawnee County, KS.

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GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	8.8–10.5

REGION VIII

COLORADO

Area covered—State of Colorado

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	13–14

REGION IX

ALAMEDA COUNTY, CA, AREA

Area covered—Alameda County, CA.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	28.5–33.0

ARIZONA

Area covered—State of Arizona.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	25.0–30.0

CONTRA COSTA COUNTY, CA

Area covered: Contra Costa County, CA.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	17.0–19.5

FRESNO COUNTY, CA

Area covered. Fresno, Madera, Kings, and Tulare Counties, CA.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	20.0–27.0

LAS VEGAS, NV

Area covered. Area of jurisdiction of the Building & Construction Trades Council of

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Clark, Lincoln, Nye and Esmeralda Counties,
NV.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Asbestos workers	17.7–20.2
	Bricklayers	18.8–21.3
	Carpenters	16.2–17.5
	Glaziers, floorcoverers, painters, tapers and wallcoverers.	16.3–17.7
	Plasterers	24.6–27.2
	Plumbers and pipefitters ...	15.2–16.2
	Sheet metal workers	16.2–17.7
	Wood, wire and metal lath- ers.	18.1–19.3
	All other trades	18.0–19.5

LOS ANGELES COUNTY, CA

Area covered. Area of jurisdiction of the
Los Angeles Building & Construction Trades
Council.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	21.7–25.1

MONTEREY, CA

Area covered. Monterey County, CA, and
within the jurisdiction of the Monterey
County Building & Construction Trades
Council, AFL-CIO.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	27.0–29.8

NORTH BAY, CA

Area covered. Solano, Napa, Lake, Marin,
Mendocino, and Sonoma Counties.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	10.5–12.6

SACRAMENTO, CA

Area covered. Sacramento, Yolo, Amador,
Placer, El Dorado, Nevada, and Sierra Coun-
ties, CA.

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GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	17.5–20.0

SAN DIEGO COUNTY, CA

Area covered. San Diego County, CA.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	24.0–30.0

SAN FRANCISCO CITY AND COUNTY, CA

Area covered. City and County of San Fran-
cisco, CA.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	Electricians	17.0
	Plumbers, pipefitters and steamfitters.	14.0
	Structural metal workers ...	20.0
	Sheet metal workers	19.0
	Asbestos workers	40.0

SAN MATEO COUNTY, CA

Area covered. San Mateo County, CA.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	12.0–14.0

SANTA CLARA COUNTY, CA

Area covered. Santa Clara County, CA.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	18.0–21.7

SANTA CRUZ COUNTY, CA

Area covered. Santa Cruz County, CA.

GOALS AND TIMETABLES
[In percent]

Timetable	Trade	Goal
Until further notice	All	17.0–20.4

RHS, RBS, RUS, FSA, USDA

REGION X

ALASKA

Area covered. State of Alaska.

GOALS AND TIMETABLES

[In percent]

Timetable	Trade	Goal
Until further notice	Asbestos workers	26.4–28.0
	Carpenters	25.7–28.0
	Electricians	25.7–28.0
	Ironworkers	25.7–28.0
	Operating engineers	26.1–28.0
	Painters	25.8–28.0
	Pile drivers	25.1–28.0
	Plumbers and steamfitters	25.4–28.0
	Roofers	27.6–28.0
	Sheetmetal workers	25.6–28.0
	Teamsters	25.6–28.0
	All other	26.1–28.1

PASCO, WA

Area covered. The area of jurisdiction of the Southeastern Washington Building & Construction Trades Council as follows: all of Benton, Franklin, and Walla Walla Counties, Grant County to Highway 2 and the south-west corner of Adams County, WA.

GOALS AND TIMETABLES

[In percent]

Timetable	Trade	Goal
Until further notice	Boilermakers	12.5–15.0
	Bricklayers	11.0–13.5
	Carpenters	9.8–12.3
	Cement finishers	11.5–14.0
	Electricians	10.0–12.5
	Ironworkers	10.0–12.5
	Operating engineers	10.2–12.7
	Painters	10.0–12.5
	Plumbers and fitters	9–12.4
	Sheetmetal workers	10.8–13.3
	Laborers	9.5–13.3
	All other	10.0–12.5

PORTLAND, OR

Area covered. Multnomah, Clackamas, and Washington Counties, OR.

GOALS AND TIMETABLES

[In percent]

Timetable	Trade	Goal
Until further notice	All	5.5–6.5

SEATTLE, WA

Area covered.—King County, WA.

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GOALS AND TIMETABLES

[In percent]

Timetable	Trade	Goal
Until further notice	All	8.8–11.5

SPOKANE, WA

Area covered.—Washington Counties: Spokane, Whitman, Lincoln, Adams, Stevens, Pend Oreille, Columbia, Garfield, Asotin, Ferry, Okanogan, Chelan, Douglas and Grant (north of Highway 2), and in connection with Indian employment, parts of any other counties included in reservations incorporating portions of the above area; Idaho: Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis, and Idaho, and in connection with Indian employment, any other territory included in reservations, part of which are in the above counties.

GOALS AND TIMETABLES

[In percent]

Timetable	Trade	Goal
Until further notice	All	(¹)

¹2.0 and above.

TACOMA, WA

Area covered.—Pierce, Thurston, Mason, Lewis, Grays Harbor, and Pacific Counties, WA.

GOALS AND TIMETABLES

[In percent]

Timetable	Trade	Goal
Until further notice	All	12.2–15.0

[43 FR 58357, Dec. 14, 1978]

**EXHIBIT E TO SUBPART E OF PART 1901—
LIST OF REGIONAL OFFICES, OFFICE
OF FEDERAL CONTRACT COMPLIANCE
PROGRAMS (OFCCP), U.S. DEPART-
MENT OF LABOR (USDOL)**

Region I (ME, NH, VT, MA, RI, CT)

Associate Regional Administrator, USDOL/
OFCCP, JFK Building, Room 1612-C,
Government Center, Boston, MA 12203,
(617) 223-4232.

Region II (NY, NJ, PR, VI)

Associate Regional Administrator, USDOL/
OFCCP, 1515 Broadway, Room 3306, New
York, NY 10036, (212) 662-5563.

Region III (PA, MD, DE, VA, WV, DC)

Associate Regional Administrator, USDOL/
OFCCP, Gateway Building, Room 15434,
3535 Market Street, Philadelphia, PA
19104, (215) 596-1213.

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Region IV (NC, SC, KY, TN, MS, AL, GA, FL)
Associate Regional Administrator, USDL/
OFCCP, 1371 Peachtree Street, NE, Room
729, Atlanta, GA 30309, (402) 881-4211).

Region V (OH, IN, MI, IL, WI, MN)
Associate Regional Administrator, USDL/
OFCCP, New Federal Building, 16th
Floor, 2340 South Dearborn Street, Chi-
cago, IL 60604, (312) 353-8887.

Region VI (LA, AR, OK, TX, NM)
Associate Regional Administrator, USDL/
OFCCP, 555 Griffin Square Building,
Room 506, Dallas, TX 75202, (214) 767-4771.

Region VII (MO, IA, NE, KS)
Associate Regional Administrator, USDL/
OFCCP Regional Administrator, Federal
Office Building, Room 2000, 911 Walnut
Street, Kansas City, MO 64106, (816) 374-
5384.

Region VIII (ND, SD, MT, WY, CO, UT)
Associate Regional Administrator, USDL/
OFCCP, 14431 Federal Office Building,
1961 Stout Street, Denver, CO 80202, (303)
837-5011.

Region IX (CA, NV, AZ, HI, GU)
Associate Regional Administrator, USDL/
OFCCP, Federal Office Building, Room
10341, 450 Golden Gate, San Francisco, CA
94102, (415) 556-3597.

Region X (WA, OR, ID)
Associate Regional Administrator, USDL/
OFCCP, Federal Office Building, 909 First
Avenue, Room 4095, Seattle, WA 98174,
(206) 442-4508.

[44 FR 24852, Apr. 27, 1979]

Subpart F—Procedures for the Pro- tection of Historical and Ar- cheological Properties

AUTHORITY: 16 U.S.C. 470; 7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10, Pub. L. 93-357, 88 Stat. 392; delegation of authority by Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

SOURCE: 42 FR 62141, Dec. 9, 1977, unless otherwise noted.

§ 1901.251 Purpose.

This subpart prescribes Farmers Home Administration (FmHA) or its successor agency under Public Law 103-354 policies, procedures, and guidelines for compliance with section 106 of the National Historic Preservation Act of 1966 (Pub. L. 89-665), the Reservoir Salvage Act of 1960 (Pub. L. 86-523), as amended May 24, 1974, by the

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Archeologic and Historic Preservation Act (Pub. L. 93-291), and section 1(3) of Executive Order 11593. This subpart is inapplicable to Farm Service Agency, Farm Loan Programs.

[42 FR 62141, Dec. 9, 1977, as amended at 72 FR 64121, Nov. 15, 2007]

§ 1901.252 Policy.

(a) The FmHA or its successor agency under Public Law 103-354 recognizes that significant scientific, pre-historical, historical and archeological (HA) resources are an important part of our National Heritage.

(b) The FmHA or its successor agency under Public Law 103-354 will consult with appropriate Federal, State, and local Agencies; other organizations; the State Historic Preservation Officer (SHPO) and individuals to assess the impact of any proposed FmHA or its successor agency under Public Law 103-354 undertaking on properties having historical or archeological significance in order to avoid or mitigate any adverse effects on the properties.

(c) The procedures in this subpart have been developed in accordance with section 1(3) of Executive Order 111593.

§ 1901.253 Definitions.

(a) *Undertaking* means any new or continuing projects or program activities supported in whole or in part through FmHA or its successor agency under Public Law 103-354 contracts, grants, subsidies, loans, or other forms of funding assistance. This does not include any actual construction by FmHA or its successor agency under Public Law 103-354.

(b) *National Historic Preservation Act*. The *National Register* means the National Register of Historic Places, which is a register of districts, sites, buildings, structures, and objects, significant in American history, architecture, archeology, and culture maintained by the Secretary of the Interior under the authority of section 2(b) of the Historic Sites Act of 1935 and section 101(a)(1) of the National Preservation Act. The National Register is published in its entirety in the FEDERAL REGISTER each year in February. Addenda are published on the first Tuesday of each month.

(c) *National Register Property* means a district, site, building, structure, or object included in the National Register.

(d) *Property eligible for inclusion in the National Register* means any district, site, building, structure, or object which the Secretary of the Interior determines is likely to meet the National Register criteria.

(e) *State Historic Preservation Officer (SHPO)* means the official within each State, designated by the Governor at the request of the Secretary of the Interior, to administer the National Register and historic preservation grants program and to coordinate preservation planning within the State.

(f) *Criteria of effect* means when any condition of an undertaking causes or may cause any change, beneficial or adverse, in the scientific, historical, architectural, archeological, or cultural character of a National Register property that qualifies the property under the National Register criteria.

(g) *Historical and archeological assessment* means a determination by the FmHA or its successor agency under Public Law 103-354 State Director using the criteria of effect as a guide, as to whether a proposed undertaking may have an effect upon any properties located within the project area which are included or eligible for inclusion in the National Register.

(h) *National Register criteria* means the following criteria established by the Secretary of the Interior for use in evaluating and determining the eligibility of properties for listing in the National Register: The quality of significance in American History, Architecture, Archeology, and the culture is present in districts, sites, buildings, structures, and objects of State and local importance, that possess integrity of location, design, setting, materials, workmanship, feeling, and association; and

(1) That are associated with events that have made a significant contribution to the broad patterns of our history; or

(2) That are associated with the lives of persons significant in our past; or

(3) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high

artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(4) That have yielded, or may be likely to yield, information important in prehistory or history.

(i) *FmHA or its successor agency under Public Law 103-354 official* means the FmHA or its successor agency under Public Law 103-354 County Supervisor, the FmHA or its successor agency under Public Law 103-354 State Director or his designated representative.

(j) *Project area* means those geographical or legally defined areas directly under or to be under the applicants control that are affected by the undertaking such as building sites, easements, rights-of-way, leasehold interests and those areas which are directly and significantly impacted by the undertaking.

(k) *Advisory council* means the Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, DC 20005, created by title II of Pub. L. 89-665 and charged with the responsibility of advising the President, Congress, and others on matters relating to historic preservation.

(l) *HA* as used in this regulation is an abbreviation of the term "scientific, prehistorical, historical, and archeological."

§ 1901.254 Scope.

FmHA or its successor agency under Public Law 103-354 will evaluate all undertakings for possible HA significance. This subpart covers the following types of undertakings:

(a) *Undertakings requiring a historical and archeological assessment.* Although the following undertakings are presumed to involve nonfederally owned lands, they may have an effect on properties having HA significance and, therefore, will require a historical and archeological assessment:

(1) Loans and grants for the development of business and industry including guaranteed loans.

(2) Loans and grants for multiple family housing projects of 25 or more dwelling units.

(3) Subdivision plans submitted for approval having 25 or more building sites.

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(4) Loans and grants in rural areas to construct, enlarge, extend, or otherwise improve:

(i) Community water, sanitary sewage, solid waste disposal, and storm waste water disposal systems.

(ii) Other essential community facilities such as fire and rescue, health, safety, public buildings, schools, transportation, traffic, and law enforcement.

(5) Loans to develop community irrigation, drainage, and other soil and water conservation and use facilities.

(6) Loans to acquire and develop grazing land for livestock of an association of members.

(7) Loans in areas designated by the Soil Conservation Service (SCS), U.S. Department of Agriculture (USDA), to conserve and develop natural resources and to contribute to economic improvement of the area.

(8) Loans to protect and develop land and water resources in small watersheds.

(9) Loans to permit Indian tribes to buy land within their reservations.

(b) *Undertakings presumed not to require a historical and archeological assessment.* The following undertakings are generally presumed to involve non-federally owned lands and not to have an effect on properties of historical and archeological value and will therefore not usually require a historical and archeological assessment. However, when the State Director or County Supervisor finds or has had communication or obtains information from a recognized historical and archeological authority that a specific undertaking may have an effect on a property included or eligible for inclusion in the National Register, a historical and archeological assessment will be made.

(1) Loans to farmers and ranchers in rural areas for the purchase, development, and operation of farms and ranches.

(2) Loans to individual families in rural areas for the purchase, construction, or improvement of single family residences.

(3) Loans and grants for multiple family housing projects of not more than 24 family dwelling units.

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(4) Subdivision plans submitted for approval having 24 or less building sites.

(5) Loans to farmers, ranchers, and other rural residents to develop land, water, and other related resources for increased production of food and other crops, improved pastures, feed crops, water facilities for livestock, and improved habitats for fish and wildlife.

(6) Emergency and disaster loans to farmers, ranchers and other rural residents in declared or designated areas as a result of a major or national disaster.

§ 1901.255 Historical and archeological assessments.

(a) The FmHA or its successor agency under Public Law 103-354 official, normally the FmHA or its successor agency under Public Law 103-354 County Supervisor, who receives a preapplication or application for loan or grant assistance on an undertaking that may have an effect on HA properties will, as part of the process, take the following actions:

(1) Carefully review the State supplements issued by the State Director pursuant to §1901.262(a) to determine whether there are any properties within the project area that appear in the National Register.

(2) Document the following:

(i) A brief narrative report of the findings and conclusions of an on-site reconnaissance of the project area.

(ii) Any “in-house” knowledge of known or suspected HA sites in the project area.

(3) Submit the information outlined in paragraph (a)(2) of this section to the FmHA or its successor agency under Public Law 103-354 State Director as part of the preapplication or application.

(b) Upon receipt of the preapplication/application the FmHA or its successor agency under Public Law 103-354 State Director will, as a concurrent part of the preapplication/application review, prepare a historical and archeological assessment of the undertaking. In making the assessment the State Director will consider information from the following sources:

(1) State and Regional Clearinghouse comments.

(2) Information submitted by the County Supervisor pursuant to paragraph (a)(2) of this section.

(3) Factual comments or recommendations of the SHPO or other responsible Federal, State, or local officials.

(4) Any other reliable information concerning properties in the project area having HA significance.

(c) Upon completion of the preapplication or application review, the State Director will take the following actions:

(1) When his assessment indicates that no properties of HA significance will be effected by the proposed undertaking, he will proceed with processing of the preapplication or application.

(2) When his assessment indicates that there are properties included in the National Register that may be effected by the proposed undertaking, he will in consultation with the SHPO, the applicant and its representatives, and other appropriate historical and archeological authorities plan appropriate measures to avoid or mitigate any adverse effects. He will also notify the Advisory Council and Secretary of the Interior of the proposed undertaking, and of its possible effect on the National Register properties and provide them with a copy of the proposed plan in order to afford them a reasonable opportunity for comment. Comments that are received within 45 calendar days of notification in accordance with the requirements for comment as outlined in section 106 of the National Historic Preservation Act of 1966, will be considered in further development of the undertaking.

(3) When his assessment indicates that there are properties that may be eligible for inclusion in the National Register, based on his application of the National Register criteria, he will request the Regional Director of the National Park Service, U.S. Department of the Interior, Attention: Interagency Archeological Services, in writing, to cause a survey of the project area to be made to determine the significance of the properties in accordance with section 3(b) of Pub. L. 93-291. The State Director's letter to the Regional Director should request a response within 45 calendar days as to

whether the National Park Service intends to cause a survey to be made, declines to undertake a survey, or that a survey is not warranted based on available data. The addresses of the Regional Offices of the National Park Service are listed in exhibit A of this subpart. If no response is received within the 45-day period, the State Director will proceed as outlined in paragraph (c)(7) of this section.

(4) The State Director will cooperate fully with the National Park Service in the conduct of a survey should one be undertaken to assure that:

(i) The professional archeologist/historian conducting the survey provides his written opinion as to the eligibility of any identified properties for inclusion in the National Register.

(ii) When the professional archeologist/historian recommends recovery, protection, or preservation of identified properties, the National Park Service is requested to undertake this project.

(5) When the survey made in paragraph (c)(3) of this section does not identify any historical and archeological properties that may be eligible for inclusion in the National Register, or the National Park Service is not going to undertake activity pursuant to paragraph (c)(4)(ii) of this section, the State Director, after consultation with the SHPO and the National Park Service, will document the findings and proceed with processing of the application.

(6) When the survey identifies properties that may be eligible for inclusion in the National Register, the State Director will request the SHPO to proceed with the nomination of such properties. The State Director will then proceed as outlined in paragraph (c)(2) of this section for any properties accepted for inclusion in the National Register.

(7) When the National Park Service declines to cause a survey to be made or determines that one is not warranted, the State Director will document such facts and proceed with processing of the application.

§§ 1901.256–1901.258

7 CFR Ch. XVIII (1–1–10 Edition)

§§ 1901.256–1901.258 [Reserved]

§ 1901.259 Actions to be taken when archeological properties are discovered during construction.

(a) When properties of significant HA value are discovered during construction, the State Director will immediately consult with the applicant, the SHPO and the Regional Director of the National Park Service to determine whether there is sufficient factual evidence to warrant a decision to stop construction and undertake detailed survey and recovery.

(b) When the consultations in paragraph (a) of this section result in a determination by the National Park Service to request the applicant to stop construction, such stop action should be taken so that the Park Service can initiate measures for immediate recovery within 60 days after notification of a discovery.

(c) When the consultations in paragraph (a) of this section do not result in a determination by the National Park Service to stop construction and to undertake a survey and recovery, construction should be permitted to proceed with caution. In the event that the National Park Service determines that recovery is necessary, the FmHA or its successor agency under Public Law 103–354 applicant/borrower and the Park Service should determine that the consent of all persons, associations, or public entities having legal interests in the property involved has been secured. Also, the applicant should be informed that the Secretary of the Interior is authorized to compensate any person, association, or public entity damaged as a result of delay in construction or as a result of the temporary loss of the use of public or any nonfederally owned land.

(d) No survey or recovery work will be required which in the determination of the State Director would seriously impede FmHA or its successor agency under Public Law 103–354 actions in providing assistance where the State Director determines that immediate action is required to avoid loss or damage of life or property. Nevertheless, appropriate measures will be taken to the extent practical to preserve, pro-

tect, or mitigate any damage to properties having HA significance.

§ 1901.260 Coordination with other agencies.

(a) When other Agencies are directly involved in any undertaking that requires a historical and archeological assessment, the State Director will contact the Agencies concerned to determine if a joint assessment will be prepared and whether a single lead Agency will assume primary responsibility for preparing the assessment.

(b) When a lead Agency is agreed upon other than FmHA or its successor agency under Public Law 103–354, FmHA or its successor agency under Public Law 103–354 will provide that Agency with information about its respective areas of responsibility. Assessments will indicate Agency participation and concurrence.

(c) When FmHA or its successor agency under Public Law 103–354 program activities are planned that primarily supplement those of the SCS, USDA, such as watershed projects, resource conservation and development measures, and irrigation and drainage projects, the SCS will be designated as the lead Agency.

§ 1901.261 [Reserved]

§ 1901.262 State supplement.

(a) The State Director shall be responsible for preparing a list of all properties included in the National Register in his area of jurisdiction and issuing such list as a part of a State supplement. Such a list will be updated as needed to reflect changes in the National Register.

(b) State Directors may also supplement this subpart and its exhibit as appropriate to meet State and local laws and regulations.

EXHIBIT A TO SUBPART F OF PART 1901— NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR REGIONAL OFFICES

Contact should be made to: Chief, Interagency Archeological Services Division, Office of Archeological and Historic Preservation, National Park Service.

The three Regional Offices are:

RHS, RBS, RUS, FSA, USDA

§ 1901.503

San Francisco Office: Old Post Office Building, Mission and 7th Streets, Post Office Box 5700, San Francisco, Calif. 94104.

States covered: Arizona, Utah, Idaho, and West, including Hawaii and Alaska. Attention: Mr. Garland Gordon. Telephone: 415-556-7711.

Denver Office: 1978 South Garrison Street, Denver, Colo. 80225.

States covered: Wisconsin, Iowa, Missouri, Oklahoma, Texas and West to San Francisco area. Attention: Mr. Jack R. Rudy. Telephone: 303-234-2560.

Atlanta Office: 730 Peachtree Street, Atlanta, Ga. 30308.

States covered: All others East of Denver area. Attention: Mr. Wilford Susted. Telephone: 404-526-2611.

Subparts G–J [Reserved]

Subpart K—Certificates of Beneficial Ownership and Insured Notes

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

SOURCE: 41 FR 51799, Nov. 24, 1976, unless otherwise noted.

§ 1901.501 Purpose.

This subpart prescribes policies and procedures for Farmers Home Administration (FmHA) or its successor agency under Public Law 103-354 certificates of beneficial ownership and insured notes. This subpart is inapplicable to Farm Service Agency, Farm Loan Programs.

[41 FR 51799, Nov. 24, 1976, as amended at 72 FR 64121, Nov. 15, 2007]

§ 1901.502 Policy.

It is the current policy to sell all certificates of beneficial ownership to the Federal Financing Bank for financing activities from the Agricultural Credit Insurance Fund and the Rural Development Insurance Fund. Sales from the Rural Housing Insurance Fund will be made to the Federal Financing Bank to the extent necessary to service certificates of beneficial ownership held by the Federal Financing Bank. Sales in excess of those needed for servicing requirements will be made to the public. In addition to sales, this subpart provides policy for the servicing of out-

standing certificates of beneficial ownership, insurance contracts, and insured notes held by investors.

[51 FR 24301, July 3, 1986]

§ 1901.503 Definitions.

(a) As used in §§1901.505, 1901.507, 1901.508 and 1901.509 the following definitions will apply:

(1) *Announcement of sale.* Any notice of terms and conditions respecting a sale of certificates.

(2) *Certificate.* A certificate of beneficial ownership issued by Farmers Home Administration (FmHA) or its successor agency under Public Law 103-354 under this subpart.

(3) *Director, Finance Office.* The Director or the Insured Loan Officer of the Finance Office of FmHA or its successor agency under Public Law 103-354.

(4) *FmHA or its successor agency under Public Law 103-354.* The United States acting through the Farmers Home Administration or its successor agency under Public Law 103-354.

(5) *Finance Office.* The office which maintains the FmHA or its successor agency under Public Law 103-354 finance records. It is located at 1520 Market Street, St. Louis, Missouri 63103. (Phone: 314-425-4400)

(6) *Fixed period.* Any time interval (preceding an option period) during which the insured holder is not entitled to require FmHA or its successor agency under Public Law 103-354 to purchase the insured note, as specified in the insurance agreement.

(7) *Insurance agreement.* The entire contract evidencing and setting forth the terms and conditions of FmHA or its successor agency under Public Law 103-354 insurance of the payment for the insured note. The insurance agreement with respect to any particular loan may be evidenced by Form FmHA or its successor agency under Public Law 103-354 440-5, "Insurance Endorsement (Insured Loan)," FmHA or its successor agency under Public Law 103-354 440-30, "Insurance Endorsement (Insured Loans)," or any other form or forms prescribed by the National Office and executed by an authorized official of FmHA or its successor agency under Public Law 103-354. It may include such

provisions as, for example, an agreement of FmHA or its successor agency under Public Law 103–354 to purchase or repurchase the loan, or to make supplementary payments from the insurance fund.

(8) *Insurance fund.* The Agricultural Credit Insurance Fund authorized by section 309 of the Consolidated Farm and Rural Development Act, the Rural Development Insurance Fund authorized by section 309A of the Consolidated Farm and Rural Development Act, or the Rural Housing Insurance Fund authorized by section 517 of title V of the Housing Act of 1949.

(9) *Insured holder.* The current owner of an insured note other than FmHA or its successor agency under Public Law 103–354, according to the records of FmHA or its successor agency under Public Law 103–354 is insurer of the note.

(10) *Insured note.* Any promissory note or bond evidencing an insured loan regardless of whether it is held by FmHA or its successor agency under Public Law 103–354 in the insurance fund, by a private holder, or by FmHA or its successor agency under Public Law 103–354 as trustee.

(11) *Loan.* Loans made and held in the Agricultural Credit Insurance Fund, Rural Development Insurance Fund, or the Rural Housing Insurance Fund.

(12) *National Office.* The Administrator or other authorized officer of the FmHA or its successor agency under Public Law 103–354 in Washington, DC.

(13) *Option period.* Any period during which the insured holder has the optional right to require the FmHA or its successor agency under Public Law 103–354 to purchase the insured note, as specified in the insurance agreement.

(14) *Par value.* The total amount to which the insured holder is entitled under the terms of the insurance agreement.

(15) *Private buyer.* A buyer of an insured note other than FmHA or its successor agency under Public Law 103–354.

(16) *Private holder.* An insured holder other than FmHA or its successor agency under Public Law 103–354.

(17) *Repurchase agreement.* A provision in the insurance agreement obligating FmHA or its successor agency under

Public Law 103–354 to buy the insured note at the option of the holders.

(18) *Sale, or seller, and buyer.* The transfer of ownership (including possession or the right of possession), the transferor, and the transferee respectively.

(19) *State Director.* The State Director of FmHA or its successor agency under Public Law 103–354 for the State in which is located the real estate improved, purchased, or refinanced with the loan evidenced by the insured note.

(b) As used in § 1901.506 the following definitions will apply:

(1) *Reserve bank.* The Federal Reserve Bank of New York (and any other Federal Reserve Bank which agrees to issue securities in book-entry form) as fiscal agent of the United States acting on behalf of FmHA or its successor agency under Public Law 103–354 and, when indicated, acting in its individual capacity.

(2) *FmHA or its successor agency under Public Law 103–354 security.* A certificate representing beneficial ownership of notes, bonds, debentures, or other similar obligations held by FmHA or its successor agency under Public Law 103–354 under the Consolidated Farm and Rural Development Act and title V of the Housing Act of 1949, issued in the form of a definitive FmHA or its successor agency under Public Law 103–354 security or a book-entry FmHA or its successor agency under Public Law 103–354 security.

(3) *Definitive FmHA or its successor agency under Public Law 103–354 security.* An FmHA or its successor agency under Public Law 103–354 security in engraved on printed form.

(4) *Book-entry FmHA or its successor agency under Public Law 103–354 security.* An FmHA or its successor agency under Public Law 103–354 security in the form of an entry made as prescribed in this subpart on the records of a Reserve bank.

(5) *Pledge.* A pledge of, or any other security interest in, FmHA or its successor agency under Public Law 103–354 securities as collateral for loans or advances, or to secure deposits of public moneys or the performance of an obligation.

(6) *Date of call.* The date fixed in the official notice of call published in the

FEDERAL REGISTER on which FmHA or its successor agency under Public Law 103-354 will make payment of the security before maturity in accordance with its terms.

(7) *Member bank.* Any national bank, state bank, or bank or trust company which is a member of a Reserve bank.

§ 1901.504 Authorities and responsibilities.

The Administrator will approve all methods of FmHA or its successor agency under Public Law 103-354 financing and major changes in existing methods. The Director, Finance Office, is responsible for servicing of all certificates of beneficial ownership and insured notes issued by the Finance Office, the Federal Reserve Bank of New York for the servicing of insurance contracts, and the Federal Reserve banks for certificates of beneficial ownership for which the Reserve banks are FmHA or its successor agency under Public Law 103-354's fiscal agents.

§ 1901.505 Certificates of beneficial ownership in FmHA or its successor agency under Public Law 103-354 loans.

(a) *Special trust of loans*—(1) *Establishment of special trusts.* From time to time FmHA or its successor agency under Public Law 103-354 will place in special trusts unmaturing loans evidenced by notes or other instruments. Loans may be placed into or removed from a special trust, but there will always be maintained in such trusts loans on which the unpaid amount is at least equal to the face value of the outstanding unmaturing certificates evidencing beneficial ownership in such special trust as provided in paragraph (a)(2) of this section.

(2) *Beneficial ownership of special trusts.* To permit interested persons to acquire a beneficial ownership of loans comprising a special trust established under paragraph (a)(1) of this section, FmHA or its successor agency under Public Law 103-354 will sell certificates which will evidence beneficial ownership of an interest in the special trust to the extent of the face value of such certificates. FmHA or its successor agency under Public Law 103-354 will

own an interest in special trusts equal to the amount by which the unpaid principal amount of loans comprising the trusts exceeds the face value of all outstanding certificates evidencing beneficial ownership in such trusts.

(b) *Sale of certificates.* FmHA or its successor agency under Public Law 103-354 will offer certificates for sale from time to time on such terms and conditions it may deem appropriate. Sales made by the Finance Office shall be made by its Director. No sale in excess of \$1 million will be made to any one investor without prior approval of the Associate Administrator or his designee. The terms and limitations of sales are subject to change from time to time, and may be obtained from the Finance Office.

(1) *Form of certificates.* The certificates may be interest-bearing or non-interest-bearing. The certificates may be made payable to the bearer or registered holder thereof, and will be negotiable. The certificates will be issued in denominations specified in the invitations for bid or other announcement of sale.

(2) *Issue date and maturity date of certificates.* The certificates will be issued on such dates and mature on such dates as specified in the invitation for bids or other announcement of sale. Such dates will appear on the face of the certificates.

§ 1901.506 Book-entry procedure for FmHA or its successor agency under Public Law 103-354 securities—issuance and redemption of certificate by Reserve bank.

(a) *Authority of Reserve bank.* Each Reserve bank is hereby authorized in accordance with the provisions of this subpart to:

(1) Issue book-entry FmHA or its successor agency under Public Law 103-354 securities by means of entries on its records which shall include the name of the depositor, the amount, the securities title (or series) and maturity date.

(2) Effect conversions between book-entry FmHA or its successor agency under Public Law 103-354 securities and definitive FmHA or its successor agency under Public Law 103-354 securities.

(3) Otherwise service and maintain book-entry FmHA or its successor

agency under Public Law 103–354 securities.

(4) Issue a confirmation of transaction in the form of a written advice (serially numbered or otherwise) which specifies the amount and description of any securities (that is, the securities title (or series) and the maturity date) sold or transferred and the date of the transaction.

(b) *Scope and effect of book-entry procedure.* (1) A Reserve bank as fiscal agent of the United States acting on behalf of FmHA or its successor agency under Public Law 103–354 may apply the book-entry procedure provided for in this subpart to any FmHA or its successor agency under Public Law 103–354 securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph shall be applicable but not limited to FmHA or its successor agency under Public Law 103–354 securities deposited:

(i) As collateral pledged to a Reserve bank (in its individual capacity) for advances by it.

(ii) By a member bank for its sole account.

(iii) By a member bank held for the account of its customers.

(iv) In connection with deposits in a member bank of funds of States, Municipalities, or other political subdivisions.

(v) In connection with the performance of an obligation or duty under Federal, State, Municipal, or local law, or judgments or decrees of courts.

(2) The application of the book-entry procedure under paragraph (b)(1) of this section shall not detract from or adversely affect the relationships that would otherwise exist between a Reserve bank in its individual capacity and its depositors concerning any deposit under this paragraph. Whenever the book-entry procedure is applied to such FmHA or its successor agency under Public Law 103–354 securities, the Reserve bank is authorized to take all action necessary in respect of the

book-entry procedure to enable such Reserve bank in its individual capacity to perform its obligation as depository with respect to such FmHA or its successor agency under Public Law 103–354 securities.

(3) A Reserve bank as fiscal agent of the United States acting on behalf of FmHA or its successor agency under Public Law 103–354 may apply the book-entry procedure to FmHA or its successor agency under Public Law 103–354 securities deposited as collateral pledged to the United States under Treasury Department Circular Nos. 92 and 176, both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other FmHA or its successor agency under Public Law 103–354 securities deposited with a Reserve bank as fiscal agent of the United States.

(4) Any person having an interest in FmHA or its successor agency under Public Law 103–354 securities which are deposited with a Reserve bank (in either its individual capacity or as fiscal agent of the United States) for any purpose shall be deemed to have consented to their conversion to book-entry FmHA or its successor agency under Public Law 103–354 securities pursuant to the provisions of this subpart and in the manner and under the procedure prescribed by the Reserve bank.

(5) No deposits shall be accepted under this section on or after the date of maturity or call of FmHA or its successor agency under Public Law 103–354 securities.

(c) *Transfer or pledge.* (1) A transfer or pledge of book-entry FmHA or its successor agency under Public Law 103–354 securities to a Reserve bank (in its individual capacity or as fiscal agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve bank under this subpart is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve bank shall:

(i) Have the effect of a delivery in bearer form of definitive FmHA or its successor agency under Public Law 103-354 securities.

(ii) Have the effect of a taking of delivery by the transferee or pledgee.

(iii) Constitute the transferee or pledgee a holder.

(iv) If a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry FmHA or its successor agency under Public Law 103-354 securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (c)(2) of this section or any other manner.

(2) A transfer or pledge of transferable FmHA or its successor agency under Public Law 103-354 securities, or any interest therein, which is maintained by a Reserve bank (in its individual capacity or as fiscal agent of the United States) in a book-entry account under this subpart, including securities in book-entry form under §1901.506(b)(1)(iii) is effected, and a pledge is perfected by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of FmHA or its successor agency under Public Law 103-354 securities, or any interest therein, if the securities were maintained by the Reserve bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry FmHA or its successor agency under Public Law 103-354 securities maintained by a Reserve bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve bank maintaining book-entry FmHA or its successor agency under Public Law 103-354 securities, either in its individual capacity or as fiscal agent of the United States, is not a bailee for the purposes of notification of pledges of these securities under this paragraph, or a third person in possession for the purposes of acknowledgment of transfers thereof under this paragraph. Where transferable FmHA or its successor agency under Public Law 103-354 securities are recorded on the books of a depository (a bank, banking institution, financial

firm, or similar party, which regularly accepts in the course of its business FmHA or its successor agency under Public Law 103-354 securities as a custodial service for customers, and maintains accounts in the names of such customers reflecting ownership of or interest in such securities) for account of the pledgor or transferor thereof and such securities are on deposit with a Reserve bank in a book-entry account hereunder, such depository shall, for purposes of perfecting a pledge of such securities or effecting delivery of such securities to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchaser may be obtained. A Reserve bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph and any such notice or advice shall have no effect. A Reserve bank may continue to deal with its depositor in accordance with the provisions of this subpart, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(3) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry FmHA or its successor agency under Public Law 103-354 securities or any interest therein.

(4) A Reserve bank shall, upon receipt of appropriate instructions, convert book-entry FmHA or its successor agency under Public Law 103-354 securities into definitive FmHA or its successor agency under Public Law 103-354 securities and deliver them in accordance with such instructions. No such conversion shall affect existing interest in such FmHA or its successor agency under Public Law 103-354 securities.

(5) A transfer of book-entry FmHA or its successor agency under Public Law 103-354 securities within a Federal Reserve Bank shall be made in accordance with procedures established by the Reserve bank not inconsistent with this subpart. The transfer of book-entry FmHA or its successor agency under Public Law 103-354 securities by

a Reserve bank may be made through a telegraphic transfer procedure.

(6) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

(d) *Withdrawal of FmHA or its successor agency under Public Law 103-354 securities.* (1) A depositor of book-entry FmHA or its successor agency under Public Law 103-354 securities may withdraw them from a Reserve bank by requesting delivery of like definitive FmHA or its successor agency under Public Law 103-354 securities to itself or on its order to a transferee.

(2) FmHA or its successor agency under Public Law 103-354 securities which are actually to be delivered upon withdrawal may be issued in bearer or registered form.

(e) *Delivery of FmHA or its successor agency under Public Law 103-354 securities.* A Reserve bank which has received FmHA or its successor agency under Public Law 103-354 securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve bank shall be fully discharged of its obligations under this subpart by the delivery of FmHA or its successor agency under Public Law 103-354 securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depositary (other than a Reserve bank) may obtain FmHA or its successor agency under Public Law 103-354 securities in definitive form only by causing the depositor of the Reserve bank to order the withdrawal thereof from the Reserve bank.

(f) *Registered securities.* (1) No formal assignment shall be required for the conversion to book-entry FmHA or its successor agency under Public Law 103-354 securities of registered FmHA or its successor agency under Public Law 103-354 securities held by a Reserve bank (in either its individual capacity or as fiscal agent of the United States) on the effective date of this subpart for any purpose specified in § 1901.506(b)(1). Registered FmHA or its successor

agency under Public Law 103-354 securities deposited thereafter with a Reserve bank for any purpose specified in § 1901.506(b) shall be assigned for conversion to book-entry FmHA or its successor agency under Public Law 103-354 securities.

(2) The assignment which shall be executed in accordance with the provisions of subpart F of 31 CFR part 306, so far as applicable, shall be to Federal Reserve Bank of _____, as fiscal agent of the United States acting on behalf of the Farmers Home Administration or its successor agency under Public Law 103-354, United States Department of Agriculture, for conversion to book-entry Farmers Home Administration or its successor agency under Public Law 103-354 securities.

(g) *Servicing book-entry FmHA or its successor agency under Public Law 103-354 securities, payment of interest, payment at maturity or upon call.* Interest becoming due on book-entry FmHA or its successor agency under Public Law 103-354 securities shall be charged to the general account of the Treasurer of the United States on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged to the same account on the date of maturity or call, and the redemption proceeds, principal, and interest shall be disposed of in accordance with the depositor's instructions.

(h) *Issuance and redemption.* (1) In those instances where the Reserve bank is acting as fiscal agent of the United States acting on behalf of FmHA or its successor agency under Public Law 103-354, the following subparts of Treasury Department Circular No. 300 (31 CFR part 306), so far as applicable, shall apply to such certificates.

- (i) Subpart B, Registration.
- (ii) Subpart C, Transfers, Exchanges and Reissues.
- (iii) Subpart D, Redemption or Payment.
- (iv) Subpart E, Interest.
- (v) Subpart G, Assignments of Registered Securities—General.
- (vi) Subpart F, Assignments by or in Behalf of Individuals.

(vii) Subpart H, Assignments in Behalf of Estates of Deceased Owners.

(viii) Subpart I, Assignments by or in Behalf of Trustees and Similar Fiduciaries.

(ix) Subpart J, Assignments in Behalf of Private or Public Organizations.

(x) Subpart K, Attorneys in Fact.

(xi) Subpart L, Transfer Through Judicial Proceedings.

(xii) Subpart M, Requests for Suspension of Transactions.

(xiii) Subpart N, Relief for Loss, Theft, Destruction, Mutilation, or De-facement of Securities.

§ 1901.507 Certificates of beneficial ownership issued by the FmHA or its successor agency under Public Law 103-354 Finance Office.

(a) *Orders and payment.* Orders for investment in certificates may be placed with the Finance Office by mail, telephone, or in person. Payment for purchase of certificates may be made by a wire transfer to the Federal Reserve Bank of St. Louis for credit to the Farmers Home Administration or its successor agency under Public Law 103-354, by a certified check or bank draft payable to the Farmers Home Administration or its successor agency under Public Law 103-354. The rate of interest paid on the certificate will be the rate in effect on the date the Finance Office receives the payment.

(b) *Registration.* (1) The registration used must express the actual ownership of a certificate and may not restrict the authority of the owner to dispose of it in any manner. FmHA or its successor agency under Public Law 103-354 reserves the right to treat the registration as conclusive ownership. Request for registration must be clear, accurate, and complete, and include the appropriate taxpayer identifying number or social security number.

(2) The registration of all certificates owned by the same person, organization, or fiduciary should be uniform with respect to the name of the owner and, in case of fiduciary, the description of the fiduciary capacity. Individual owners should be designated by the names by which they are ordinarily known or under which they do business, preferably including at least one full given name. The name of an indi-

vidual may be preceded by an applicable title, as, for example "Mrs.", "Mr.", "Miss", "Ms.", "Dr.", or "Rev.", or followed by a designation such as "M.D.", "D.D.", "Sr.", or "Jr.". Any other similar suffix should be included when ordinarily used or when necessary to distinguish the owner from another member of his family. The address should include, where appropriate, the name and street, route, or any other location feature, and zip code.

(3) If an erroneously inscribed certificate is received, it should not be altered in any respect. FmHA or its successor agency under Public Law 103-354 should be given full particulars about the error and asked to furnish instructions.

(c) *Transfers and exchanges—closed periods*—(1) *General.* Transfer of registered certificates should be made by assignment in accordance with this section. Registered securities are eligible for denominational exchange. Specific instructions for issuance and delivery of new certificates signed by the owner or the owner's authorized representative must accompany the certificates presented. Certificates presented for transfer must be received by FmHA or its successor agency under Public Law 103-354 not less than 1 full month before the date on which they mature. Any certificates so presented which are received too late to comply with this provision will be accepted for payment only.

(2) *Closing of transfer books.* The transfer books are closed for 1 full month preceding interest payment dates. If the date set for closing falls on Saturday, Sunday, or a legal holiday, the books will be closed as of the close of business on the last business day preceding that date. The books are reopened on the first business day following the date on which interest falls due. Registered certificates which have not matured, or have been submitted for transfer and are received when the books are closed for that certificate, will be processed on or after the date such books are reopened. If certificates are received for transfer when the books are closed for payment of final

interest at maturity, the following action will be taken in the absence of different instructions:

(i) Payment of final interest will be made to the registered owner of record on the date the books were closed.

(ii) Payment of principal will be made to the assignee under a proper assignment of the certificate.

(d) *Redemption or payment*—(1) *General*. Certificates are payable in regular course of business at maturity. FmHA or its successor agency under Public Law 103–354 may provide for the exchange of maturing certificates. The registered certificates should be presented and surrendered for redemption at the FmHA or its successor agency under Public Law 103–354 Finance Office. No assignments or evidence in support of them will be required by or on behalf of the registered owner or assignee for redemption for his or its account, or for redemption-exchange if the new certificates are to be registered in exactly the same names and forms as in the registrations or assignments of the certificates surrendered.

(2) *Redemption at maturity*. Registered certificates presented and surrendered for redemption at maturity need not be assigned unless the owner desires that payment be made to some other person. Should the owner so desire assignments should be made to the “Farmers Home Administration or its successor agency under Public Law 103–354 for redemption for the account of (inserting name and address of person to whom payment is to be made).” Specific instructions for the issuance and delivery of the redemption check signed by the owner or the owner’s authorized representative must accompany the certificates unless included in the assignment. Payment of the principal and interest will be made by a check drawn on the Treasurer of the United States to the order of the person entitled and mailed in accordance with the instructions received. If instructions are not received concerning interest, interest will be paid to the registered owner.

(3) *Interest*. The interest on FmHA or its successor agency under Public Law 103–354 certificates accrues and is payable annually. A full interest period does not include the day on which the last preceding interest became due, but

does include the day on which the next succeeding interest payment is due. Certificates will cease to bear interest on the date of their maturity. The interest on registered certificates is payable by checks drawn on the Treasurer of the United States to the order of the registered owners, except as otherwise provided in this section. FmHA or its successor agency under Public Law 103–354 prepares the interest checks in advance of the interest payment date and ordinarily mails them in time to reach the addressees on that date. Interest on a registered certificate which has not matured and which is presented for any transaction when the books for that certificate are closed will be paid by check drawn to the order of the registered owner of record. On receipt of notice of the death or incompetency of an individual named as registered owner, a change in the name or in the status of a partnership, corporation, or unincorporated association, the removal, resignation, succession, or death of a fiduciary or trustee, delivery of interest checks will be withheld pending receipt and approval of evidence showing who is entitled to receive the interest checks. If the inscriptions on certificates do not clearly identify the owners, delivery of interest checks may be withheld pending reissue of the certificates in the correct registration, except as provided in this section. The final installment of interest will be paid by check drawn to the order of the registered owner of record on presentation and surrender of the certificate for redemption. To assure timely delivery of interest checks, owners should promptly notify FmHA or its successor agency under Public Law 103–354 of any change of address.

(e) *Assignments*. Assignments of certificates should be executed by the owner or the owner’s authorized representative in the presence of an officer authorized to certify assignments. Assignments shall be made on the back of the certificate. Registered certificates may be assigned to a specified transferee or to FmHA or its successor agency under Public Law 103–354 for redemption or for exchange for other certificates offered at maturity. Assignments to “United States, Farmers Home Administration or its successor

agency under Public Law 103-354," "Farmers Home Administration or its successor agency under Public Law 103-354 for Transfer," or "Farmers Home Administration or its successor agency under Public Law 103-354 for Exchange" will not be accepted unless supplemented by specific instructions by or in behalf of the owner. If an alteration or erasure has been made in an assignment, a new assignment from the assignor should be obtained. Otherwise, an affidavit or explanation by the person responsible for the alteration or erasure should be submitted for consideration.

(f) *Death of certificate holder.* The Finance Office should be notified of the death of the registered owner of a certificate. The following documents should be forwarded with the notice if available.

(1) A certified copy of the death certificate.

(2) A certified copy of the court order appointing the Administrator or Executor (include the mailing address of the Administrator or Executor). The Finance Office will notify the person submitting such notice and/or documentation if any other records or documents are needed. Legal opinions and advice will be obtained by the Finance Office as needed from the Regional Attorney. After all legal requirements are met, the certificate should be reissued in the name of the current owner.

(g) *Replacement.* Lost, stolen, destroyed, or mutilated certificates will be replaced by the Finance Office on the registered owner's compliance with the requirements of § 1901.509.

§ 1901.508 Servicing of insured notes outstanding with investors.

The Director, or the insured loan officer of the Finance Office, is authorized in connection with the sale of any insured note to execute required documents on behalf of FmHA or its successor agency under Public Law 103-354 and to take other appropriate action, including, but not limited to, acknowledging notice of sale of an insured note, or requiring an insured holder to sell an insured note to FmHA or its successor agency under Public Law 103-354 in connection with any voluntary conveyance or foreclosure, or transfer

related to liquidation of the borrower's account or any other servicing action so related. Upon recommendation by the State Director that purchase of an insured note is necessary for any servicing action not related to liquidation of the borrower's account, authorization may be given by the National Office to request the Director, Finance Office, to require a holder to sell an insured note to FmHA or its successor agency under Public Law 103-354.

(a) *Assignments—(1) Effective date of assignment.* When an insured note is sold by a private holder to a private buyer, notice of such sale executed by the seller must be given to and acknowledged by FmHA or its successor agency under Public Law 103-354 in order for the sale to be binding on FmHA or its successor agency under Public Law 103-354, as to FmHA or its successor agency under Public Law 103-354, the effective date of the sale will be the acknowledgment date specified in the acknowledgement of notice executed by FmHA or its successor agency under Public Law 103-354.

(2) *Assignment to FmHA or its successor agency under Public Law 103-354 at request of FmHA or its successor agency under Public Law 103-354.* At any time FmHA or its successor agency under Public Law 103-354 considers it necessary for proper servicing of the loan, FmHA or its successor agency under Public Law 103-354 may require, in writing, a private holder to sell an insured note to FmHA or its successor agency under Public Law 103-354.

(3) *Assignment to FmHA or its successor agency under Public Law 103-354 at option of holder.* A private holder at any time during the option period may require, in writing, FmHA or its successor agency under Public Law 103-354 to purchase an insured note.

(4) *Price.* If FmHA or its successor agency under Public Law 103-354 is the buyer of an insured note, the price will be the par value as of the effective date of the sale. In other cases, the price will be determined by an agreement between the parties.

(b) *Sale of insured notes by private holders to private buyers.* (1) On receipt of notice from a private holder of intention to assign an insured note, the

Director, Finance Office, will send the holder:

(i) Form FmHA or its successor agency under Public Law 103-354 471-7 "Notice and Acknowledgment of Sale of Insured or Guaranteed Loan."

(ii) A statement of the unpaid principal. If requested the Director, Finance Office, will furnish a statement of account instead of or in addition to a statement of the unpaid principal.

(iii) Appropriate information on how to complete the assignment.

(2) If the Director, Finance Office, is informed that an insured note has been assigned and FmHA or its successor agency under Public Law 103-354 is requested to recognize the assignment, the Director, Finance Office, will send the assignor Form FmHA or its successor agency under Public Law 103-354 471-7, with directions for its execution.

(3) On receipt of Form FmHA or its successor agency under Public Law 103-354 471-7 properly executed by the assignor, the Director, Finance Office, will complete and execute the acknowledgment section of the form. The Director, Finance Office, will retain the original of the form, have two facsimile copies made and send one to the assignor, and one to the assignee. For any correction or other change to be made in the record of the name or address of a private holder, or of a designated agent of a private holder, a request will be made to FmHA or its successor agency under Public Law 103-354 in writing.

(4) As of the date of the acknowledgment, executed by the Director, Finance Office, on Form FmHA or its successor agency under Public Law 103-354 471-7 the Director, Finance Office, will transfer the insured note from the assignor to the assignee as the insured holder on the records of FmHA or its successor agency under Public Law 103-354. The name and address of the assignee will be recorded by FmHA or its successor agency under Public Law 103-354 exactly as they appear on Form FmHA or its successor agency under Public Law 103-354 471-7.

(5) Payments transmitted by FmHA or its successor agency under Public Law 103-354 on or after the acknowledgment date shown on Form FmHA or its successor agency under Public Law

103-354 471-7 will be transmitted to the assignee. The Director, Finance Office, will give notice to the assignor and the assignee of any payments transmitted by FmHA or its successor agency under Public Law 103-354 to the assignor before the acknowledgment date and after either the date of sale, or the date of the statement of account, whichever is earlier. However, FmHA or its successor agency under Public Law 103-354 will not be liable for any failure to give such notice.

(c) *Assignment of insured notes to FmHA or its successor agency under Public Law 103-354*—(1) *Assignment at the request of the holder.* For assignment of an insured note to FmHA or its successor agency under Public Law 103-354 during the option period at the request of the holder, the following procedure will apply:

(i) The holder will endorse the insured note as follows: "Pay to the order of the United States of America. Without recourse." The holder will then deliver the endorsed note, together with the insurance agreement, to the Director, Finance Office.

(ii) On receipt of the endorsed note with the accompanying insurance agreement, the Director, Finance Office, will acknowledge receipt of the note and process payment to the assignor of the par value of the note as of the date of the Treasury check.

(2) *Assignment at the request of FmHA or its successor agency under Public Law 103-354.* The procedure for assigning an insured note at the request of FmHA or its successor agency under Public Law 103-354 will be the same as that prescribed in paragraph (c)(1) of this section, except that the Director, Finance Office, will send a written request to the holder requiring that the insured note be assigned to FmHA or its successor agency under Public Law 103-354 and delivered to the Director, Finance Office, with the accompanying insurance agreement. The Director, Finance Office, will explain that the assignment is necessary to enable FmHA or its successor agency under Public Law 103-354 to service the account properly and will give the holder all necessary information as to the manner of making the assignment and the amount to

be paid by FmHA or its successor agency under Public Law 103-354.

(d) *Replacement of called or fully paid notes.* Certain insurance endorsements contain a clause or rider providing for a replacement note when the original note is paid in full, or is called by FmHA or its successor agency under Public Law 103-354. This provision applies to loans sold for a fixed period of 10 years or longer for loans sold on or after December 1, 1969, and a fixed period of 15 years or longer for loans sold before December 1, 1969. If a note is paid in full or called by the Government and the lender is entitled to a replacement note, the lender may obtain a certificate of beneficial ownership in lieu of the replacement note. The certificate will carry the rates and terms applicable to the replacement note.

(e) *Death of a noteholder.* The Finance Office should be notified of the death of a holder of an insured note. The following documents should be forwarded with the notice if available:

(1) A certified copy of the death certificate.

(2) A certified copy of the court order appointing the Administrator or Executor (include the mailing address of the Administrator or Executor). The Finance Office will notify the person submitting the notice and/or documentation if any other records or documents are needed, and will provide any additional instructions that are needed. Legal opinions and advice will be obtained by the Finance Office as needed from the Regional Attorney.

§ 1901.509 Loss, theft, destruction, mutilation, or defacement of insured notes, insurance contracts, and certificates of beneficial ownership.

(a) *Block sale insurance contracts.* The Associate Administrator is authorized in connection with block sale insurance contracts to authorize the FmHA or its successor agency under Public Law 103-354's fiscal agent to establish requirements for issuance of a replacement insurance contract when the original issued by the Federal Reserve Bank of New York (FmHA or its successor agency under Public Law 103-354's fiscal agent) is lost, stolen, destroyed, mutilated, or defaced. When a block sale insurance contract is lost,

stolen, or destroyed, a duplicate may be issued to the registered holder upon receipt of an acceptable certificate of loss and an indemnity bond without surety. The certificate of loss should include the legal name and present address of the owner and address when issued, if different from the present address; the capacity of person certifying, if other than owner; the identity of the insurance contract, including series number, contract number, denomination, issue date, and form of inscription of registry, and the full statement of circumstances of loss. All available portions of an insurance contract that is mutilated, defaced, or partially destroyed should be submitted to the Federal Reserve Bank of New York (FmHA or its successor agency under Public Law 103-354's fiscal agent) for determination as to whether a duplicate insurance contract can be issued without a certificate of loss and posting of an indemnity bond. In the event the holder of a block sales insurance contract obtains possession of the underlying notes, the requirements of paragraph (b) of this section apply.

(b) *Notes and certificates of beneficial ownership sold by County Office and Finance Office.* The Director, or the insured loan officer of the Finance Office, is authorized on behalf of the Government, in connection with insured notes or certificates of beneficial ownership sold through the FmHA or its successor agency under Public Law 103-354 Finance Office to require indemnity bonds from a noteholder when a note or certificate is lost, stolen, destroyed, mutilated, or defaced while in the custody of the holder or his designee. When a note or certificate of beneficial ownership is lost, stolen, or destroyed while in the custody of the holder or his designee, the following will apply:

(1) A certificate of loss should be filed with FmHA or its successor agency under Public Law 103-354 Finance Office. The certificate should include:

(i) Legal name and present address of owner when issued, if different from present address.

(ii) Capacity of person certifying, if other than the owner.

(iii) Identity of the note or certificate of beneficial ownership, including the name and FmHA or its successor

agency under Public Law 103–354 case number of the maker thereof, issue date, interest rate of obligation, face amount of note or certificate of beneficial ownership, and a full description of any assignment, endorsement, or any other writing.

(iv) A full statement of circumstances of the loss, theft, or destruction of the note.

(2) An indemnity bond in the amount of the unpaid principal and interest will be required except in the following instances:

(i) Substantially the entire note or certificate of beneficial ownership is presented and surrendered by the owner or holder, and the Director, Finance Office, is satisfied as to the identity of the instruments and that any missing portions are not sufficient to form the basis of a valid claim against the United States or the borrower; or

(ii) The owner or holder is the United States, a Federal Reserve Bank, a Federal Government Corporation, a State or territory, or the District of Columbia.

(3) An indemnity bond without surety will be provided in the following cases:

(i) Cases involving registered unassigned obligations held by banks, trust companies, savings and loan associations, or companies holding certificates of authority from Secretary of the Treasury as acceptable sureties on Federal Bonds (companies listed on Treasury Department Circular 570) where the financial responsibilities of such claimants are well known or readily ascertainable.

(ii) Cases involving registered unassigned obligations where the evidence reasonably justifies a conclusion that the obligations were destroyed and the unpaid principal and interest amount does not exceed \$1,000.

(4) An indemnity posted with a qualified surety is required in all cases involving registered unassigned obligations other than those cited in paragraphs (b)(2)(i), (b)(2)(ii), (b)(3)(i) and (b)(3)(ii) of this section. A qualified surety is a company holding a certificate of authority from the Secretary of the Treasury as acceptable sureties on Federal Bonds, and listed in Treasury Department Circular 570.

(5) All indemnity bonds for notes must be payable to both the borrower and FmHA or its successor agency under Public Law 103–354. All indemnity bonds for certificates of beneficial ownership must be payable to FmHA or its successor agency under Public Law 103–354. The bond may be posted at the time the note or certificate of beneficial ownership becomes eligible for repurchase by FmHA or its successor agency under Public Law 103–354. If the holder desires to continue to hold the note for the life of the note, an indemnity bond will not be required.

(6) An assignment of the note or certificate of beneficial ownership shall be made to the United States of America, acting through the Farmers Home Administration or its successor agency under Public Law 103–354, United States Department of Agriculture. An acceptable form of assignment is available from the Director, Finance Office.

(c) *Other cases.* Cases involving bearer obligations and other cases not discussed in this section will be forwarded to the Director, Finance Office, for requirements.

(d) *Replacement of notes.* FmHA or its successor agency under Public Law 103–354 will not attempt to obtain replacement notes from borrowers.

Subparts L–N [Reserved]

PART 1902—SUPERVISED BANK ACCOUNTS

Subpart A—Supervised Bank Accounts of Loan, Grant, and Other Funds

Sec.

1902.1 General.

1902.2 Policies concerning disbursement of funds.

1902.3 Procedures to follow in fund disbursement.

1902.4 Establishing MFH reserve accounts in a supervised bank account.

1902.5 [Reserved]

1902.6 Establishing supervised bank accounts.

1902.7 Pledging collateral for deposit of funds in supervised bank accounts.

1902.8 Authority to establish and administer supervised bank accounts.

1902.9 Deposits.

1902.10 Withdrawals.

1902.11 Servicing Office records.

1902.12–1902.13 [Reserved]